

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9881 of 2022

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Rakesh Kumar Sharma S/o- Ram Prawesh Sharma R/o- Dehri, Village- New Punpun, P.S.- Pipra, Patna, Bihar- 804453.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Home Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Revenue and Land, Government of Bihar, Patna.
4. The Commissioner Patna Division, Bihar.
5. The District Magistrate, Patna, Bihar.
6. The Sub-Divisional Officer, Masauri, Patna, Bihar.
7. The Circle Officer, Punpun, Patna, Bihar.
8. The Sub-Registrar, Patna, Sadar, Patna, Bihar.
9. Mrs. Shanti Devi W/o- Late Lal Babu Singh Village and P.O.- Madhupur, P.S.- Maner, District- Patna, Pincode- 801108.
10. Mr. Manoranjan S/o- Late Lal Babu Singh Village and P.O.- Madhupur, P.S.- Maner, District- Patna, Pincode- 801108.
11. Mr. Chitranjan S/o- Late Lal Babu Singh Village and P.O.- Madhupur, P.S.- Maner, District- Patna, Pincode- 801108.
12. Mrs. Rekha Devi D/o - Late Lal Babu Singh Village and P.O.- Madhupur, P.S.- Maner, District- Patna, Pincode- 801108.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC 25
For the Resp nos. 9 to 12:	:	Mr. Mahendra Prasad Bhartee, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-04-2023 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the respondent nos 9 to 12.

This writ application has been filed for the following
reliefs:

“(i) To hold and declare that the Petitioner and his



cognates are absolute owners of 1.57 decimal of land situated in Thana No. 3. Tauzi No. 4073, Khata No. 104, Khesra No. 522 situated at Sakinwan Area, P.O. Dihri, P.S. Pipra by virtue of absolute Gift Deed vide Deed No. 1821 Dated 18.05.1986 registered before Patna Sub Registry by one Pradeep Singh (Now deceased) in favour of Petitioner's late father namely Late Ram Pravesh Sharma and his brothers and subsequently by virtue of absolute sale deed No. 26911 dated 26.11.1988 registered before Patna Sub Registry in favour of Petitioner's late father namely Late Ram Pravesh Sharma and his brothers by Private Respondent No. 9 (Shanti Devi), being daughter in law (Bhagin Putoh) and further the petitioner prays to hold and declare that any subsequent agreement to sale or sale deed by Private Respondent No. 9 for the aforesaid land in question is illegal, void and has no effect.

(ii) For directing the Competent Authority/Respondents for rectifying the land records in terms of the Bihar Mutation Act, 2011 as despite of numerous requests, the illegal. malicious duplicate land receipts issued in the name of Private Respondent No. 9 is not being rectified despite of official recommendation of the same.

(iii) For directing the Respondent No. 8 to abstain from registering any instrument put forth by the Private Respondent No. 9 to 12 pertaining to the land in question of the petitioner and family of the Petitioner.

(iv) For directing the respondent Authorities to initiate enquiry and take action against the erring Respondent No. 13 and Respondent No. 14 who being the then Circle



Officer and Halka Karamchari have illegally, maliciously having hand in gloves, with perpetrators/ conspirator has illegally issued land revenue receipts simultaneously in the name of illegal persons in order to grab the land of the Petitioner and family of the Petitioner.

(v) For issuance of a writ in the nature of mandamus directing the Respondent authorities to provide necessary protection to the petitioner and his family as their life and limb is gravely apprehended from Private Respondent No. 9 to 11 in concert with the criminals being the land grabbers and further for preventing the encroachment which is being made by them.

(vi) For such other relief(s)/ direction(s) as your lordships may deem fit and proper in the facts and circumstances stated hereinafter for the ends of justice.”

Having heard learned for the parties, this Court is of the opinion that the petitioner would be better advised to file a suit for the prayers made in the instant application and pray for grant of interim order therein.

However, so far as the prayer as contained in Paragraph no. 1(ii) with respect to rectification of the land records in terms of the Bihar Land Mutation Act, 2011 is concerned, let the petitioner file an appropriate application before the authority concerned under the said Act. In case the petitioner files such an application within a period of two months, the same shall be



disposed of by the authority after hearing all the parties concerned at the earliest preferably within a period of six months from the date of its filing.

So far as the prayer of the petitioner for providing necessary protection to the petitioner is concerned, the petitioner is at liberty to file an appropriate application before the police authority concerned which will be decided in accordance with law.

It is clarified here that the Court has not entered into the merits of the case of the parties.

This application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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