

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15409 of 2022

=====

Ram Karan Singh, Son of Late Bhuneshwar Singh, Resident of Village- and
P.O.- Bishunpura, P.S.- Bihta and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Lands Reforms
Department, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Circle Officer, Bihta, Patna.
4. The Circle Inspector, Circle Officer, Bihta, Patna.
5. The Revenue Karamchari, Circle Officer, Bihta, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Mohammed Abu Haidar, Advocate
For the State	:	Md. Khurshid Alam, AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-12-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for
commanding the Circle Officer, Bihta, Patna (Respondent No.
3) to grant rent receipts as per earlier rent receipts as granted
with regard to the total land of 1.58 ¼ decimals in the name of
the petitioner.

3. It is submitted by learned counsel for the petitioner
that Title Partition Suit No. 50/17 of 1944/46 was decided and
decreed the suit between the ancestor of the petitioner and his
brothers and forefather of the petitioner got 1/4th share out of
the total land of 10 bighas of Khata No. 473, Plot No. 1935 on
30.05.1946. After the partition, the name of the petitioner's



ancestor was mutated and land receipts were granted in their name. After the death of the ancestor of the petitioner, name of the father of the petitioner was entered in the Anchal Sarista and after death of the petitioner's father, name of the petitioner has been entered in the Anchal records and accordingly rent receipts were granted in his name since 20.01.1997. The petitioner approached the Circle Officer, Bihta, Patna (Respondent No. 3) for grant of rent receipts as per the earlier rent receipts as granted by the respondent after correcting the name of the father of the petitioner.

4. A counter-affidavit has been filed on behalf of Respondent Nos. 2 to 5. In paragraph No.9 of the said counter affidavit it is stated that petitioner has filed an application dated 30.05.2022 with regard to rectification in Khata, Plot, Chauhaddi and Rakwa with regard to the land in question which has been partly rejected after being processed vide order dated 10.06.2022, as contained at Annexure-C to the counter-affidavit, as there is no entry particularly in the Register-II with regard to the grievance made by the petitioner.

5. Having regard to the nature of dispute, the same cannot be decided by this court in a writ jurisdiction under Article 226 of the Constitution of India as the dispute requires



detailed examination of evidence and facts.

6. In view of the aforesaid facts and circumstances of the case, this writ application is disposed of with liberty to the petitioner to approach the appropriate authority available to the petitioner in accordance with law.

7. If the petitioner files his representation/appeal/application before the appropriate authority, the same shall be disposed of in accordance with law, after hearing the parties.

8. It goes without saying that if any question of limitation arises before the appropriate authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

shashank/-

U			
---	--	--	--

