

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1118 of 2023
In
Civil Writ Jurisdiction Case No.917 of 2023

1. Rajesh Ram Late Panchanand RAM Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
2. Munna Kumar Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
3. Sonu Kumar Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
4. Dinesh Kumar Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
5. Bharat Kumar Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
6. Pradip Kumar Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
7. Dharamveer Kumar Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.
8. Shatrughan Ram Son of late Panchanand Ram, Resident of Village Chilmil, Mungeriganj, Turha Tola, Ward No. 32, P.S. Nagar, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Begusarai.
4. The Addl. Collector, Begusarai.
5. The Sub-Divisional Officer, Begusarai.
6. The Land Acquisition Officer, Begusarai.
7. The Block Development Officer, Block Sadar, District Begusarai.
8. The Circle Officer, Block Sadar, District Begusarai.
9. The Circle Inspector-cum-Halka Karamchari, namely, Kaushlendra Singh, Block Sadar, District Begusarai.
10. Vyomkesh Bharduwaj, son of late Arbind Kumar Singh, resident of village Chhitnaur Kothi, Sarvoday Nagar, P.S. and District Begusarai.
11. Rajiv Kumar Singh, son of late Ramsagar Singh, resident of Lohia Nagar, P.S. Nagar, District Begusarai.
12. Krishna Kumar Singh, son of late Sadanand Singh, resident of Thatheri Gali, Mungeriganj, P.S. Begusarai, District Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)



=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 13-10-2023

Heard the parties.

2. The present appeal has been preferred against the order dated 21.08.2023 passed by the Hon'ble Single Judge in CWJC No. 917 of 2023 by which the writ petition preferred by the appellants-petitioners was dismissed and the Writ Court chose not to interfere with newspaper advertisement dated 07.12.2022 by the State respondents further holding that they may have a case if the Title Suit No. 188 of 2022 goes in their favour.

3. The matrix of facts giving rise to the present case is/are as follows :-

(i) as per the appellants-petitioners, the original owner of the ancestral land of the appellants-petitioners was late Murat Ram who was blessed with two sons and one daughter, namely, Ramsumiran Ram, Ramsharan Ram @ Kalar Ram and Shakuntala Devi, who died much earlier leaving behind their heirs;

(ii) Ram Sharan Ram had one son, Ramdeo Ram (deceased) whose grandsons are the appellants-petitioners (sons of Panchanand Ram @ Panchu Ram, since deceased) herein;

(iii) their names were registered on the basis of the partition that took place prior to 1946;



(iv) later, Bipat Ram and Mahesh Ram had sold their shares i.e. 16 kathas, 15 dhurs and 7 dhurkies by way of two registered sale deeds dated 28.09.1946 and 04.11.1948 in favour of their ancestors which followed creation of jamabandi no. 416;

(vi) it was on this basis that the appellants-petitioners submitted their objection petition pursuant to the advertisement of the respondents for construction of Police Station on the land in question under the Land Lease Policy, 2014 stating that wrong publication of the names of the respondents 10 to 12 herein have been made.

4. The case of the appellants-petitioners is that the dispute arose when one Chhotu Ram son of late Bipat Ram filed petition for the cancellation of the jamabandi bearing Case No. 86/2015-16 before the Addl. Collector, Begusarai, which was dismissed on 22.08.2018. Thereafter, he executed a forged sale deed for the part of the said piece of the land in favour of the private respondents on 30.09.2022.

5. According to the appellants-petitioners, pursuant to the newspaper publication, they submitted objection petition before the Addl. Collector, Begusarai enclosing all the relevant documents duly received in his office on 12.12.2022. This followed the filing of the CWJC No. 917 of 2023.

6. The appellants-petitioners argued before the Writ



Court that after the land was found suitable by the State respondents for the purpose of construction of Police Station and residential building; an advertisement was published in the newspaper on 07.12.2022 whereafter they filed objection petition before the respondents regarding defective publication of persons named in the advertisement. Subsequently, enquiry took place, opportunity granted to both the parties and after hearing the parties and perusing the documents, the objection was rejected.

7. On the other hand, the stand of the respondents was that they purchased the land from one Chotu Ram and also from his vendee whereafter the entries were made in the revenue register and they are in continuous peaceful physical possession over the land. Further, lease deed created, payments made and possession taken by the government on which construction has already started.

8. However, the writ petitioners with greed in their eyes filed objection. They further submitted that the petitioners have also preferred Title Suit No. 188 of 2022 in which nowhere they have mentioned about the existence of any deed of rectification which has come only after the publication of the advertisement.

9. The writ Court took up the matter and vide an order dated 21.08.2023 held that:



(i) the writ petitioners moved for declaration of title by filing Title Suit bearing No. 188 of 2022. Further, they never challenged the execution of sale deeds in favour of the private respondent nos. 10 to 12;

(ii) the filing of title suit for declaration of title in their favour creates shadow on the case of other persons;

(iii) the enquiry report of the Circle Officer was clear which dealt with documents relating to title of the private respondents and maintenance of their records and rights on the point of possession and prima facie came to the conclusion that the objections are not maintainable;

(iv) further, it was clearly observed that the land under advertisement is a vacant land. Thus, specific observation has been made while recommending the matter under the Bihar State Raiyati Land Lease Policy, 2014 about it.

(v) the Writ Court concluded by observing that in case the Title Suit No. 188 of 2022 goes in favour of the writ petitioner, the writ petitioners may have a case but till the pendency of



the said Title Suit No. 188 of 2022, there is no question of any interference in the decisions taken by the State Government.

10. The writ petition was accordingly, dismissed.

11. Aggrieved, the present appeal.

12. We have heard the parties.

13. It is an admitted fact that the respondent nos. 10 to 12 purchased the land in question from the vendees, got their names entered in the jamabandi register and also had physical possession of the land.

(i) further, once the newspaper advertisement was published by the State Government on 07.12.2022 for the construction of police station and residential building showing the names of the land holders in the advertisement, the writ petitioners preferred objection.

(ii) an enquiry was held whereafter the objection was found to be frivolous and accordingly, rejected;

(iii) thereafter, the State Government made payments, entered into lease deed with the respondents and took possession of the land on which construction work also commenced;



(iv) the Title Suit No. 188 of 2022 filed by the writ petitioners is already pending.

14. In the aforesaid ground, the Hon’ble Single Judge was perfectly justified in dismissing the writ petition holding that in case, the writ petitioners succeed in the aforesaid Title Suit No. 188 of 2022, they may have a case, which they could agitate appropriately based on such decree, if and when obtained.

15. Having narrated the facts of the case, we do not find any error in the order dated 21.08.2023 passed in CWJC No. 917 of 2023.

16. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Jagdish/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2023
Transmission Date	

