

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4705 of 2018

=====

Naresh Prasad, son of Late Sukar Mahto, resident of Village Aganda, P.O. Kachnawa, Anchal - Belaganj, P.S. Belaganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Gaya.
5. The Sub Divisional Officer, Gaya Sadar, Gaya.
6. The Circle Officer, Belaganj, District Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Respondent/s : Mr. Mukul Prasad, AC to GP-18

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 18-07-2024

Heard Mr. Birendra Kumar Singh, learned Advocate for the petitioner and Mr. Mukul Prasad, learned AC to GP-18.

2. The petitioner by invoking the jurisdiction of this Court seeking a direction upon the respondents to issue rent receipt after accepting the rent in favour of the land, bearing Old Khata no. 224, New Khata No. 314, New Plot No. 133, Old Plot No. 187, Thana No. 382, Mauza Aganda, Anchal- Belaganj, District Gaya under the Bihar Tenancy Act.



3. Learned Advocate for the petitioner contended that the raiyat of the land of the petitioner was in the name of Bhuwaneshwari Private Trust Estae (Tekari Maharaj); the petitioner has obtained *Hukumnama* of the land bearing Plot Nos. 326/628, 327/629, 345/642, 428/760, 436/786 and 133/187 on 07.04.1942. Since then the petitioner has been coming in peaceful possession of the aforesaid land after payment of Jamindari Malgujari and he also got receipt from the Malik of the land since 1942 continuously. After vesting of Jamindari, the name of the petitioner was entered in the revenue record. However, when the petitioner approached to the authority of the State of Bihar to get rent receipt for Plot No. 133/187, he came to know that a separate khata no.314 was opened showing the land *Abaidh Dakhal* (illegal possession) of the petitioner.

4. Aggrieved by the aforesaid entry, the petitioner approached this Court.

5. A counter affidavit has been filed on behalf of the Circle Officer, Belaganj, Gaya. The alleged *Hukumnana*, Jamindari receipts and Government rent receipts with respect to the land, in question, are questioned by the State authority and said to forged and fabricated documents. It is also contended that a revisional survey entry was made in the year 1978 on the



basis of factual position. The writ petitioner has made illegal encroachment over the land in question; since 1978, the petitioner has never assailed the revisional survey entry nor made any objection; moreover, the revisional survey record suggests that the land, in question, as Sarwa Sadharan Khata are the contention of respondent State authorities.

6. At this juncture, learned Advocate for the petitioner submits that the Government of Bihar in the Department of Revenue and Land Reforms issued Resolution No. 925 dated 11.11.2014. By the aforementioned resolution, it is made clear that any Hukumnama prior to 01.01.1946 on the basis of which the rent receipts are being issued by the State Government, the same is not required to be disturbed and the person, in whose favoaur Hukumnama has been issued shall be treated to be *Raiyat* of the land.

7. Having heard the parties and taking note of the fact that Hukumnama issued in favour of the petitioner is seriously disputed by the State authorities and said to be forged and fabricated, the resolution dated 11.11.2014 relied by the petitioner has no application.

8. The writ petition stands dismissed.

9. However, the petitioner is at liberty to approach



before the civil court of competent jurisdiction, if he has any grievance.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024
Transmission Date	NA

