

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5234 of 2018

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Asha Srivastava @ Asha Lal @ Asha Devi, Wife of Sheo Pujan Lal, Resident of Mohalla- Amla Toli, Town Buxar, P.O. Buxar, P.S. Buxar Town, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue
2. The Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Secretariat, Patna
3. The Circle Officer, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-07-2024

Heard Mr. Satyapal Singh, learned Advocate for the petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14, for the State.

2. The petitioner by invoking the jurisdiction of this Court seeking a direction upon the respondents, especially respondent no.3 to issue rent receipt with respect to her land appertaining to R.S. Plot no. 278, measuring 2 Katha 9 Dhur and 19 Dhurki, situated in Ward No. 3, Mohalla Amla Toli, Buxar. The petitioner also prays for issuance of Land Possession Certificate (hereinafter referred to as ‘the LPC’) in her name.

3. Learned Advocate for the petitioner contended that



under the operation of Revisional Survey in the locality commenced in 1978-79, the R.S. Khatian was finally published in 1992. The land was recorded as raiyati/kayami land in the name of Mosmat Ram Sawari Devi and this entry has never been challenged by the State and/or its authority. The petitioner has obtained the property under a registered deed of gift.

4. It is also the contention of the petitioner that her name was mutated in the State Revenue Record (Register-2) as well as in the Municipality. Despite the aforementioned facts, the petitioner filed an application before respondent no.3 requesting to receive rent and grant up-to-date receipts and LPC, but no action has been taken.

5. Learned Advocate for the State submitted that on the application of the petitioner, Revenue Clerk submitted a report that the land, in question, is Khas Mahal Land and, as such, no rent receipts or LPC can be issued.

6. It is also contended that the claim of the petitioner has been disputed by the respondent authorities, thus in such circumstances, the petitioner has remedy before the competent authority under the Bihar Land Disputes Resolution Act, 2009.

7. This Court finds substance in the submission of learned Advocate for the State and, accordingly, the writ petition



stands disposed of with a liberty to the petitioner to file an appropriate application before the Deputy Collector Land Reforms, Buxar preferably within a period of four weeks from today.

8. If such application is filed by the petitioner, the Deputy Collector Land Reforms, Buxar shall consider the claim of the petitioner within a further period of three months from the date of receipt of such representation and pass necessary order after giving proper opportunity of hearing to all the parties.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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