

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7680 of 2018

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Md. Saifullah Son of Late Md. Atique, Resident of Village-Sirsiya, P.S.-
Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector, Samastipur.
3. The Settlement Officer, Samastipur.
4. The Circle Officer, Anchal, Hasanpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Abdus Shakoor, Advocate
For the Respondent/s : Mr. Majid Mahbub Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2024

Heard the parties.

2. The writ petition has been filed for the following

reliefs:

“(i) That the writ application is being filed for issuance of an appropriate writ in the nature of mandamus commanding and direction upon the respondents authority for rectification of the new Khatiyani in the name of Anabad Bihar Govt. in Mauza Sirsiya, Thana No. 273 Anchal Hasanpur, District- Samastipur partaining Khata No. 260 (New), Khesra No. 21(New) an area of 2 Acres 64 Dismals dt. 01.08.2013 vide no. 12972 in which wrongly recorded to the new khatiyani in the place of the name of the mother of the petitioner namely Bibi Madeena Khatoon in Mauza Sirsiya Partaining khata no.- 260 (New) and 82 (Old) and Khesra No.- 21 (New) 01(Old) in an area of 01 Acres 31 Dismals whereby and where under the petitioner has occupied peaceful over this ancestral property from long time.



(ii) For any other relief/reliefs to which the petitioner may be found entitled to on the facts and circumstances of this case.”

3. Learned Advocate for the petitioner contended that the land, in question, was purchased through sale deed no. 15395 dated 23.07.1974 in the name of the petitioner's mother, namely, *Bibi Madeena Khatoon*. Since the date of purchase, the petitioner and his family members have been coming in peaceful possession and got mutated the land and created Jamabandi No. 406 in the name of the mother of the petitioner. Rent receipts in respect of the land, in question, were also granted. It is further contended that on account of some typographical error, the mistake has occurred in New Survey Khatiyani and in place of the name of the mother of the petitioner, it has been recorded as Anabad Bihar Government. For correction of the record, the uncle of the petitioner had filed a case before the Settlement Officer, Samastipur on 20.03.1991 in Case No. 24806 of 1991.

4. Despite the aforementioned case, till date, the mistake has not been rectified. It is also contended that the petitioner submitted several representation before all the concerned authorities, including the respondent Collector, Samastipur as well as the Settlement Officer, Samastipur for the needful, but the same has not been done and, as such, under the compelling



circumstances, he approached before this Court.

5. Learned Advocate for the State countering the contention of the petitioner submitted that for rectification in the survey khatiyān, the case was filed in the year 1991 and the petitioner has approached before this Court after 27 years and on this ground alone, the writ petition is fit to be dismissed. However, for the ends of justice, he seeks a short adjournment to get instructions as to whether the aforementioned case has been disposed off or not.

6. Considering the submissions advanced on behalf of the parties and taking note of the averments made in the writ petition, this Court deems it fit and proper to dispose off the writ petition with a liberty to the respondent no. 3 to look into the matter and dispose off the Case No. 24806 of 1991, by a speaking order, in accordance with law, if the same has not been disposed off till date, preferably within a period of four months from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2024.
Transmission Date	NA

