

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6618 of 2018

- 1.1. Chitranjan Giri Elder Son of Banka Giri Resident of Village - Tihuki, Panchayat - Sambhauta, Ward No. - 9, P.S. - Langari, District- Parsa (Nepal)
- 1.2. Dipranjan Giri Younger, Son of Banka Giri, Resident of Village - Tihuki, Panchayat - Sambhauta, Ward No. - 9, P.S. - Langari, District- Parsa (Nepal)

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Sheohar.
4. The Additional Collector, Sheohar.
5. The Deputy Collector, Land Reforms, Sheohar.
6. The Circle Officer, Piprahi Anchal, Sheohar.
7. The Superintendent of Police, Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Verma
For the Respondent/s	:	Mr.Raj Kishore Roy -Gp18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 10-12-2024

In the instant petition, petitioners have prayed

for the following relief:-

That the petitioner by way of the instant writ application prays for the issuance of a writ in the nature of 'Mandamus' commanding the Respondents State Authority/Authorities to take effective steps ensuring removal of blatant and forcible encroachment and occupation over the land Property belonging to the petitioner covered under Khata no. 169,



Survey Plot No. 2929 situated at Mauza-Deokuli Dharampur under Thana No. 146 measuring an area of 0.03 decimal in the district of Sheohar at the hands of dissolved Parcha holders, restoring the possession and entrustment of the said land property in favour of the petitioner acting upon and giving effect and meaning to the order dated 30.05.2017 passed by the learned Collector, Sheohar in Basgit Parcha Revision Case No. 08/16 as also the consequential order contained in memo No. 766 dated 16.10.2017 passed by the Circle Officer, Piprahi Anchal and last but not the least the issue of correction slip by the Circle Officer, Piprahi Anchal, Sheohar in Mutation Case No. 619/17-18 recording the name of the father of the petitioner as the new Jamabandi Raiyat in the Khatiyani Ledger Register.

2. Learned counsel for the petitioners submits that by virtue of registered sale deed dated 07.05.1964, deceased petitioner and his father came into peaceful possession over the land pertaining to thana no. 146, khata no. 169 Khesra No. 2929 measuring area 1 katha 5 decimal, situated at Mauza Deokuli Dharampur, P.S.-Sheohar, District-Muzaffarpur. On the application filed by one Samsuddin



Main and Kamruddin Mian, a proceeding under B.P.P.H.T Act was initiated which resulted in issuance of Basgit parcha in their favour. Deceased petitioner filed appeal before Additional Collector, Sheohar which was rejected. Thereafter, deceased petitioner moved this Court in CWJC No. 3892 of 2013 which was disposed of by order dated 22.02.2013 granting him liberty to approach the Bihar Land Tribunal. Thereafter, he approached the BLT in BLT case No. 114/13 which was allowed and the order passed by Circle Officer as well as the Additional Collector were set aside and the matter was remanded back to the Circle Officer for passing the order afresh. Despite passing of the order by the BLT, Circle Officer again restored the Basgit parcha in favour of Samsuddin Main and Kamruddin Mian. Deceased petitioner thereafter moved this Court again in CWJC No. 20472 of 2014 which was permitted to be withdrawn with liberty to move before the Tribunal. Thereafter, he again moved the tribunal in BLT Case No. 203 of 2015. The tribunal directed him to file revision before the Collector. In the light of direction of the Tribunal, he filed Basgit Parcha Revision Case No. 08/16 which was



allowed and accordingly Basgit Parcha issued in favour of Samsuddin Main and Kamruddin Mian was revoked and jamabandi was created in favour of the grandfather of the present petitioners.

3. The only grievance of the petitioners is that by virtue of order of Collector, Sheohar, all the consequential benefit has been given to the petitioners except possession of land in question. Petitioners have not approached any authority for compliance of the order of the Collector, Sheohar annexed as annexure-7 of the writ petition.

4. Learned counsel on behalf of the State submits that there is statutory provision to give possession of land to the petitioners. Petitioners have not availed the said remedy and they have directly approach this Court. In the present context, the writ petition is not maintainable.

5. Considering the facts and circumstances of the case, the present writ petition stands disposed of with liberty to petitioners to raise their grievance before the District Magistrate-Cum-Collector, Sheohar that despite being order passed by Collector, Sheohar, possession of land has not been given to the petitioners. If petitioners



raise their grievance before the concerned authority by filing representation within a period of four weeks from the date of receipt of this order, the concerned authority shall pass appropriate order on the representation of the petitioner within a reasonable period of time, in accordance with law.

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2024
Transmission Date	NA

