

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17701 of 2017

1. Ram Bachan Singh and Anr son of late Vakil Singh
2. Umesh Singh son of late Ganesh Singh Both are residents of village and P.O. - Charpokhari, P.S. - Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Bhojpur at Ara.
3. The Deputy Collector, Land Reforms Piro, District - Bhojpur.
4. The Circle Officer, Charpokhari, District - Bhojpur.
5. Parshuram Giri
6. Sri Ram Giri both sons of late Muni Giri residents of village and P.O. - Charpokhari, P.S. - Charpokhari, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 18-07-2024

Heard learned counsel for the petitioners and learned counsel for the State.

2. Following relief(s) have been prayed for in paragraph No. 1 of the present writ application:

“I. That this application is being filed for issuance of appropriate writ/order/orders directing the respondents to do Dakhil Khariz the land in the name of petitioners bearing Survey Khata No. 141, Khesra No. 165, measuring area 0.73 Acres (73 Decimals) situated at Mauza Charpokhari, Thana



No. 248, Anchal Charpokhari District- Bhojpur as the grievances of petitioners in this regard is pending, in this regard petitioners have already filed petition dated 08.08.2017 and 22.08.2017 has also been filed in the office of Collector, Bhojpur at Ara (Respondent No. 2).”

3. Learned counsel for the petitioners submits that the land bearing Khata No. 141, Khesra No. 165 measuring 0.73 Acres situated at Mauza Charpokhari Thana No. 248, Anchal Charpokhari, District- Bhojpur is mentioned in Survey Khatian as Anabad Bihar under possession of Murat Gosai and Munni Gosai. The petitioners further submit that the aforesaid land was actually possessed by late Mukul Rai and he had been cultivating the said property. The petitioners are the grandsons of late Mukul Rai. Learned counsel further submits that in the Survey Khatian, the name of Murat Gosai and Munni Gosai have been wrongly mentioned and the family of the petitioners are coming in possession of the said land and cultivating the said land. After the death of Mukul Rai, father of the petitioners filed a petition before the Anchal Adhikari Charpokhari. After death of the petitioners, father, the son of late Murat Gosai and late Munni Gosai have started creating disturbance in cultivation of the land then a proceeding under Section 144 Cr.P.C. was started vide Case No. 168/2017. After hearing both the parties, the Executive Magistrate,



Piro, Bhojpur, by order dated 12.10.2017 found and declared that petitioners are in possession over the said land. The petitioners filed petition dated 08.08.2017 and 22.08.2017 for mutation of their names before the Collector. The copy of the petitions dated 08.08.2017 and 22.08.2017 have also been sent to the Anchal Adhikari Charpokhari, but till date no action has been taken.

4. Learned Counsel for the State has filed a Counter Affidavit. Referring to statement made in paragraph 5 of the Counter Affidavit, it is submitted that the land in question is recorded in the Revisional Survey Khatian as Anabad Bihar Sarkar. Further in paragraph 7 of the Counter Affidavit, it has been stated that the petitioners in their application for mutation have not produced supporting documents and because of which the respondent authorities are not in a position to take any decision in the matter. Hence, a direction may be given to the petitioners to produce relevant documents before the competent authority.

5. Considering the aforesaid facts and circumstances and the submissions made on behalf of both sides, the petitioners are directed to submit an application before the Circle Officer Charpokhari, District- Bhojpur (Respondent No. 4), supported by all relevant documents, within a period of four weeks from today. If any such application is filed, the concerned respondent No. 4



shall consider the same after perusing the documents filed on behalf of the petitioners and pass reasoned order in accordance with law within a period of three months thereafter.

6. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Rajorshi/-
Pankaj/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.07.2024
Transmission Date	

