

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4391 of 2023

1. Prabhakar Jha Son of Ramji Jha Resident of Village-Kalikapur (Near Temple), Ward No. 11, P.S. Lakshminia, District-Supaul.
2. Umesh Yadav Son of Bechulal Yadav Resident of Village-Madhubani, P.S.-Chhatapur, District-Supaul.
3. Mosay Lal Yadav Son of Kanik Yadav Resident of Village-Garhiya, Ward No. 14, P.S. Chhatapur, District-Supaul.
4. Brahmanand Thakur Son of Biran Thakur Resident of Village-Laxminiya, P.S. Chhatapur, District-Supaul.
5. Kishundeo Rai Son of Nasib Lal Yadav Resident of Village-Laxminiya, P.S. Chhatapur, District-Supaul.
6. Upendra Sardar Son of Kusum Lal Sardar, Resident of Village-Laxminiya, P.S. Chhatapur, District-Supaul.
7. Mungalal Rai Son of Basudeo Rai Resident of Village-Laxminiya, P.S. Chhatapur, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary-Cum-Inspector general of Registration, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Supaul.
4. The District Registrar, Supaul.
5. The District Sub Registrar, Supaul.
6. The Sub-Divisional Officer, District-Supaul.
7. The Sub-Divisional Police Officer, Triveniganj, District-Supaul.
8. The Deputy Collector, Land Reforms, Triveniganj, District-Supaul.
9. The Circle Officer, Chhatapur, District-Supaul.
10. The Officer-in-CHarge, Police Station-Balua Bazar,, District-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Ms. Akanksha Malviya, Advocate Mr. Akash Keshav, Advocate Dr. Suchi Bharti, Advocate Mr. Alexander Ashok, Advocate
For the Respondent/s	:	Mr. Vikash Kumar (SC 11)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 26-02-2024 Heard Mr. D.K. Sinha, learned Senior Counsel for the

petitioners duly assisted by Ms. Akanksha Malviya and the



State.

2. It is a unique case in the State of Bihar where a District Registrar-cum-Collector, Supaul vide memo no. 1778 dated 30.10.1992 directed the District Sub-Registrar, Supaul not to register any sale deed in respect of the lands belonging to Mauja-Kalikapur under Chhatapur Block within Triveniganj Sub-Division in the district of Supaul.

3. The petitioners who are native of Supaul have approached the writ Court with the grievances that due to the said blanket order, they are unable to exchange the land and/or have the fruits of being owner of the land.

4. Learned Senior Counsel, Mr. D.K. Sinha, submits that it is surprising that successive Collectors posted there have chosen not to review the said order and in the process, for last three decades, no registration has been made.

5. A counter affidavit on behalf of the respondent nos. 3 and 4 namely, the Collector, Supaul as also the District Sub-Registrar, Supaul duly signed by the respondent no. 4 is on record. Paragraph 4 virtually supports the order passed in 1992.

6. Although, as per the counter affidavit, a five men Committee was constituted by the then Collector, Supaul vide memo no. 2795-2 dated 11.11.2012 under the Chairmanship of



Sub-Divisional Officer, Triveniganj, it was only six years later that vide letter no. 1105 dated 18.10.2018, a report was submitted in which it was accepted that out of 489.75 acres of raiyati land situated under Mauja Kalikapur, valid 'jamabandis' are there for landed property measuring 230.74 acres.

7. Learned Senior Counsel submits that though the prayer was to quash the said 1992 order; they will be satisfied if there cases are considered for registration of sale deed after due verification.

8. Learned State Counsel submits that if separate documents will be produced by the petitioners herein, the same shall be considered and the matter be taken to its logical conclusion, in case, the same is found valid for registration.

9. Though, it is unfortunate that despite the report submitted in the year 2018 itself stating that valid 'jamabandis' are there; for the last three decades which include twenty four years of the 21st century, entire 'Mauja' has been denied the legal right to get their land transferred/ sold/ purchased/ registered.

10. In view of the fact that the petitioners are ready to limit their relief only to the registration of their respective lands, the writ petition stands disposed of directing both the District



Registrar-cum-Collector, Supaul as also the District Sub-Registrar, Supaul to take immediate steps. In case, the petitioners prefer their separate application(s) alongwith all the relevant documents and requisite fees within four weeks from today, the same shall be examined and if satisfied with their valid documents, an appropriate order shall be passed and their respective applications shall be taken to its logical conclusion within three months thereafter.

11. Let the office send a copy of the order to the Chief Secretary, Bihar, Patna as also the Principal Secretary-cum-Inspector General, Registration, Bihar, Patna for their perusal and necessary actions as even they may not be aware of the fact that in the State of Bihar, there is a Mauja called Kalikapur under Triveniganj circle in the district of Supaul where registration of land has been blocked for the last thirty years.

12. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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