

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10341 of 2016

1. Adhik Yadav Son of Late Raghubanshi Yadav
2. Narayan Yadav Son of Adhik Yadav Both Resident of Village Hathwan, P.S. Allouli, District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Khagaria
3. The Deputy Collector Land Reforms, Khagaria
4. The Sub Divisional Officer, Khagaria
5. The Circle Officer, Allouli, Khagaria
6. Raj Kumar Pandit son of Late Jagdambi Pandit
7. Ramesh Pandit Son of Raj Kumar Pandit
8. Rajendra Sada Son of Shankar Sada
9. Bindeshwari Sada Son of Late Sundar Sada
10. Sakaldeo Sada Son of Aghnu Sada
11. Amerika Devi Wife of Santu Sada
12. Jag Narayan Sada Son of Sone Lal Sada
13. Sudha Devi Wife of Sunil Sada Respondent Nos. 6 to 13 are resident of Village and P.O. Hathwan, P.S. Allouli, District Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Ritesh Kumar, SC-33

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 03-09-2024

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.

“1.1. For that the Respondent Nos. 6 to 13



*may be directed not to come and possess
upon the land of the petitioners Vide*

Khata No.	Khesra No.	Area
671	3730	3 Katta
Boundary	North	South
	Niz	Dagar
		East
		Niz Rasta
		6 feet
		West
		Braj Mohan Prasad
		& Hari Mohan Prasad

*(II) For that in case during pendency of Writ
petition, if the private respondents come in
possession illegally in such situation they
might be dispossessed strictly.*

*(III) For that during pendency of Writ
application private respondents will not
make any hindrance or change the nature of
the land of the petitioners.*

*(IV) For that the concerned respondents may
be directed to deliver possession to the
petitioner on his land after measurement by
Government Anchal Amin.*

*(V) For that any other relief/reliefs may also
be provided to the petitioners if they deserves
the same.”*

3. Learned counsel for the petitioners submits that
petitioner no. 1 purchased a piece of land on 18.09.2000 from
one Ramesh Chandra Sinha son of Bisheshwar Prasad but in the



sale deed dated 18.09.2000 by mistake at the place of Khata No. 671 wrongly Khata No. 554 has been written. Hence, again same corrected by way of executing another sale deed on 07.07.2011 by the same person, i.e. Ramesh Chandra Sinha in favour of petitioner no.1. Learned counsel further submits that after purchasing the said land, mutation was done in favour of petitioner no.1 vide Receipt No. 145178. Learned counsel further submits that petitioner no.1 transferred the said land on 22.05.2014 by registered sale deed in favour of petitioner no.2 and mutation was also done in favour of petitioner no.2, and thereafter, rent receipt was also issued for the year 2015-16.

4. Learned counsel for the petitioners further submits that purcha has been issued in favour of respondent nos. 6 to 13 through Basgit Purcha Case No. 1/2000-01 for the land vide Khata No. 331, Khesra No. 3730, Mouza Hathwan, Thana No. 2085 Touzi No. 1354, Jamabandi No. 79 which apparently does not tally the Khata number of the land of the petitioners because Purcha has been issued for Khata No. 331 but the Khata number of the land of petitioners is Khata No. 671. Learned counsel further submits that on the basis of purcha issued in favour of respondent nos. 6 to 13 for the land vide Khata No. 331, Khesra No. 3730 Mouza Hathwan Thana No. 208 Touzi No. 1354



through Basgit Purcha, the respondent nos. 6 to 13 are continuously creating hindrance on the land of the petitioners illegally whereas the land of the petitioners is vide Khata No. 671, Khesra No. 3730 Mouza Hathwan. Learned counsel further submits that petitioner no. 2 gave application to the Circle Officer, Allouli dated 24.12.2015 (Annexure-8) to deliver possession upon his land after measurement of the land through Government Anchal Amin but till date no action has been taken in this regard. Learned counsel, therefore, prays that concerned Circle Officer may be directed to consider and dispose of the aforesaid application dated 24.12.2015 within a fixed time frame.

5. Learned counsel for the State does not object to the prayer made on behalf of the petitioners for the timely disposal of the application dated 24.12.2015 which is pending consideration before Circle Officer concerned. However, learned counsel referring to the aforesaid application dated 24.12.2015 (Annexure-8) submits that petitioners may be directed to file fresh application before the concerned Circle Officer stating therein the current facts and circumstances of the matter.

6. Considering the aforesaid facts and circumstances and the submissions made on behalf of the parties, the



petitioners are directed to submit a fresh application before the Circle Officer, Allouli, Khagaria (Respondent No.5) within a period of six weeks from today. If any such application is filed, the Respondent No. 5 shall consider the same after perusing the documents filed on behalf of the petitioners and pass reasoned and speaking order in accordance with law within a period of three months from the date of filing of the fresh application by the petitioners.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.09.2024
Transmission Date	N/A

