

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11086 of 2023

Choudhary Birendra Kumar Roy S/o Late Choudhary Jogindra Narayan Roy,
R/o Habibhauar, P.S. - Bahera District - Darbhanga at present R/o Flat no.-
302, Mahual Kothi North S.K Puri, A.N Path, Near Alpana Market, Boring
Road, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Dharbhanga.
2. Additional Collector, Darbhanga.
3. Deputy Collector, Land Reforms, Benipur, District- Darbhanga.
4. Circle Officer Benipur District - Darbhanga.
5. Block Development Officer, Benipur (Darbhanga).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arghesh Kumar, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 07-05-2024 Heard the parties.

2. The present petition has been preferred against the letter no. 1002 dated 27-05-2023 for constructing the dumping ground in village Madhopur P.S Bahera at New Plot No.-2918... New Khata No.-457 area 63 decimal in grab of the land in question as Anabad Bihar Sarkar.

3. Counter affidavit and supplementary counter affidavit have been filed by the respondents and paragraphs 7 and 8 of the supplementary counter affidavit of respondent nos. 1 to 5 read as follows:

*“7. That it is further respectfully
submitted that the concerned authority, the In-*



charge officer, District Record Room, Darbhanga vide letter No.107 dated 23.4.2024 has provided the copy Khatiyan appertaining to the land in question. The contents of the said R.S. Khatiyan clearly shows that the land appertaining khata No.497 Khesra No.2918 measuring an area of 63 dec. nature of the land 'Dhanhar 2', is recorded in the name of Anabad Bihar Sarkar as a raiyat/tenant whereas one Chou Yogendra Roy has been shown as 'Abaidh Dakhalkar. It is pertinent to mention here that Annexure B already attached to the earlier oath taken (copy of online R.B. Khatiyan available on the site of concerned department) also contain the facts that the land in question Is recorded in the name of 'Anabad Bihar Sarkar' as raiyat/tenant whereas the said name i.e Chou Yogendra Roy is mentioned in the column of Dakhal/Dakhal Ka Swaroop and in the same, it is humbly submitted that the land in question is a public land as to eh records available before your Lordship clearly transpire the fact that Anabad Bihar Sarkar is the recorded tenant/raiyat of the land in question.

8. That the respondents humbly submit that the entry made in the revisional survey khatiyan (Ann.B and D) clearly shows that Anabad Bihar Sarkar is the recorded raiyat whereas the said Chou Yogendra Roy (father of the petitioner) has been shown as Abaidh Dakhalkar which does not create any right and title into the matter and in



the same, if the petitioner has any grievance into the matter, the petitioner has to file proper representation before the competent civil court for rectification of entry made in the revisional survey khatiyan and hence, it is humbly submitted that the present writ application is devoid of any merit and is fit to be dismissed.”

4. At this stage, learned counsel for the petitioner submits that he will be approaching the concerned Civil Court for the redressal of his grievance.

5. The writ petition stands disposed of with the aforesaid liberty.

(Rajiv Roy, J)

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