

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12689 of 2022

Shree Brajendra Nath Pandey @ Brajendra Nath Pandey @ B.N. Pandey S/o Late Sidh Nath Pandey Advocate-cum-Additional Public Prosecutors, Patna High Court, Permanent resident of Village- Parariya Post, Bhakura, Panchayat, Bhakura, Block Tarari, Sub-Division- Piru, District- Bhojpur, Pin- 802205, At present residing at Railway Hunder Road East Lohanipur, P.O.- Kadamkuan, P.S.- Kadamkuan, District- Patna Pin- 800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reform Department, Old Secretariat, Bailey Road, Patna- 800015.
3. The Director, Land Record, Revenue and Land Reforms Department, Old Secretariat, Bailey Road, Patna- 800015.
4. The Director, Chakbandi Directorate of Land Records and Survey, Government of Bihar, Survey Training Centre Shastri Nagar, Patna.
5. The Divisional Commissioner, Patna Division, Patna.
6. The Collector-cum-District Magistrate, Bhojpur, Collectorate Campus Near Bamna Maidan, Ara, Bhojpur, Bihar.
7. The Sub-Divisional Officer, Piro, Bhojpur, Bihar.
8. The Sub-Divisional Police Officer, Piro, Bhojpur, Bihar.
9. The Block Development Officer, Tarari Block District- Bhojpur, Bihar.
10. The Circle Officer, Tarari Circle, District- Bhojpur, Bihar.
11. The Station House Officer, Tarari, District- Bhojpur, Bihar.
12. The Anchal Amin, (Incharge of Bhakura Panchayat) Tarari Circle under Control of Circle Officer Tarari Circle, District- Bhojpur, Bihar.
13. The Rajswa Karamchari (Incharge of Bhakura Panchayat Village- Parariya) under Control of Circle Officer Tarari Circle, District- Bhojpur, Bihar.
14. The Chakbandi Officer, Tarari, Bhojpur, Bihar.
15. Mr. Durga Pandey @ Tuntun Pandey S/o Late Rang Nath Pandey Resident of Village- Parariya, P.O.- Bhakura, Block and P.S.- Tarari, Sub-Division- Piro- Bhojpur.
16. Mr. Tapeshwar Pandey S/o Late Chandra Kumar Pandey @ Muntun Pandey Resident of Village- Parariya, P.O.- Bhakura, Block and P.S.- Tarari, Sub-Division- Piro, Bhojpur.
17. Guddu Pandey @ Narendra Pandey S/o Late Dev Kumar Pandey Resident of Village- Parariya, P.O.- Bhakura, Block and P.S.- Tarari, Sub-Division- Piro, Bhojpur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
Mr. Rohit Kumar , Advocate
Mr. Brajendra Nath Pandey, Advocate in person
For the Respondent/s : Mr. Rishi Raj Sinha (Sc 19)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for issuance of a writ of mandamus commanding the respondent authorities, especially the respondent No. 9 (the Circle Officer Tarari Circle Bhojpur), to measure the chakbandi (PHIRNI) road as well as the agricultural land of the petitioner arising to Mauja Parariya, Thana No. 135., Khata No. 21, Khesra No. 142 and 146, Anchal-Tarari, District-Bhojpur, Bihar wehreby, and where under the same, the dictatorial persons of said village (respondent No. 15, 16, and 17) are encroaching the Chankandi PHIRNI road in question. However, the petitioner has deposited the cost of measurement of the land in question with the respondent authority and taken appropriate steps for the early disposal of measurement case No. 07/2021-2022.

3 . At the outset, learned counsel for the



petitioner requests to dispose of the present writ petition with liberty to move before the appropriate authority i. e., the Deputy Collector Land Reforms/Sub-Divisional Officer and his nature of grievance falls under **section 118 (3) of Bihar Tenancy (Amendment) Act 2017** which reads as:

3. Addition of new sections in the Act 1885.— *The following new sections 158C and 158D shall be added after Section-158B of the said Act 1885*

"158(C) Fixation of rent - (1) *The power of fixing rent of Belagan /Kabil Lagan land, whose rent has not been fixed during Survey and Settlement operation period, shall vest in the Deputy Collector Land Reforms/Sub-Divisional Officer.*

(2) Sanction of rent fixation shall not be given in such cases in which Title Suit with regard to the holding or a part thereof is pending in the competent Court.



(3) Sanction of Rent fixation shall also not be given of a holding or a part thereof, in which acquirer of an interest in the holding or part thereof have not physical possession over the holding or a part thereof.

"158(D)Appeal- *(1) An appeal against the order of the Land Reforms Deputy Collector/Sub-Divisional Officer shall lie before the Additional Collector/ Collector within 60 (sixty) days from the date of order.*

(2) The Additional Collector/Collector may, if he is satisfied that there are sufficient reasons for the delay, condone the delay in filing appeals.

(3) The Additional Collector/Collector shall not pass any order modifying, altering or setting aside the order appealed against unless a reasonable opportunity of being heard has not given



to the concerned parties.

(4) Disposal of appeal relating to a rent fixation shall be made within 60 (sixty) working days from the date of filing of appeal.

4. In view of nature of the grievance of the petitioner, he is at liberty to seek remedy before the appropriate forum available to him in accordance with law.

5 . It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India .

6. This writ petition is accordingly disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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