

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14225 of 2024

Karyanand Singh son of Late Hiro Singh alias Hirdeo Singh, resident of village- Bhagwanpur alias Narhar Bigha, Post Office- Ghostawan, Police Station- Nalanda, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Revenue and Land Reform, Government of Bihar.
2. The Director, Directorate Land Records and Survey, Government of Bihar.
3. The Assistant Director, Directorate Land Records and Survey, Government of Bihar.
4. The Special Survey Settlement Officer cum Collector, Nalanda (Bihar).
5. The Special Survey Assistant Settlement Officer, Silao, Nalanda.
6. The Special Survey Kanoongo, Silao, Nalanda.
7. The Special Survey Amin, Silao, Nalanda.
8. The Deputy Collector Land Reforms, Rajgir, Nalanda.
9. The Circle Officer, Silao, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Aklavya Chandan Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader 3

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT

Date : 19-09-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed
for following relief:-

“(i) For issuance of writ in the nature 'Certiorari for quashing of "Khanapuri Parcha form-7' which has been illegally and arbitrarily created in favor of State government despite of petitioner's claim & objection of over land pertaining to Khata No. 76, old Khera No. 1146, New Khesra No. 2453 of Narhar Bigha mauza, Thana No. 434, Anchal-Silao, District-Nalanda.

(ii) For issuance of writ in the nature 'Mandamus',



directing the respondent authorities to reconsider and reverify claim of petitioner on the basis of documentary evidences produced before them (respondent authorities) and further direction to fill the other forms and maintain registers before finalization of record of rights i.e., Khatian under Section 12 and under other provisions of the Bihar Special Survey and Settlement Act, 2011 & the Bihar Special Survey and Settlement Rules, 2012.

(iii) For declaration that petitioner is entitled to be registered or recorded as objector / protester in 'Kinanapuri Form-7' under the Bihar Special Survey and Settlement Act, 2011 and the Bihar Special Survey and Settlement Rules, 2012."

3. The matter relates to the land bearing Khata No. 76, Old Khesra No. 1146, New Khesra No. 2453 of Narhar Bigha Mauza, Thana No. 434, Anchal-Silao, Nalanda.

4. Learned counsel for the petitioner submits that the Special Survey of lands situated in Nalanda district is being carried out pursuant to the letter no. 241 dated 07.02.2018 issued by the Directorate Land Records and Survey, Department of Revenue and Land Reforms, Government of Bihar. Pursuant thereto, the Director, Land Records and Survey, Department of Revenue and Land Reforms issued a circular contained in Memo No. 17 Sp. Survey (Nodal Officer)-101/2019-417 dated 02.03.2020 to the Settlement Officer, Nalanda regarding first phase of special survey and collection of village level records.



5. Learned counsel for the petitioner further submits that the respondents i.e. Survey Officers have uploaded form-7 i.e. Khanapuri Parcha Form in relation to 'Land in question' in Raiyat Column as 'Khatiyani (Sarkari)' having total area 3.1 decimals and it does not mention the name of petitioner as protester/objector in Abhiyukti of the Khanapuri Parcha Form, despite of objection. He further submits that the respondent authorities have not uploaded the objection of the petitioner with respect to land in question at the website of the Department of Revenue and Land Reforms, Government of Bihar.

6. *Per contra*, learned counsel for the State submits that Section 9 of the Bihar Special Survey and Settlement Act, 2011, prescribes that the claims and objections shall be invited and compiled at the end of the khanapuri operations in the revenue village concerned and shall be heard and disposed of in the prescribed manner by an officer not below the rank of Assistant Settlement Officer/ Circle Officer/ Consolidation Officer and Sub-Rule 9 of Rule 9 of the Bihar Special Survey and Settlement Rules, 2012 prescribes that claims/objections against the entries of Khanapuri purcha may be filed by the land holder/owner or any person having interest in the land including representatives of the concerned office of the State



Government/Central Government/Public Sector/ Local bodies in Form-8.

7. Having heard learned counsel for the parties and after going through the facts and circumstances of the case, this Court, in view of the Section 9 of the Bihar Special Survey and Settlement Act, 2011 read with Bihar Special Survey and Settlement Rules, 2012, directs that if the petitioner files a fresh representation/claim along with objection against the entries of Khanapuri purcha in the statutory prescribed Form-8 before the Respondent No.5/the Special Survey Assistant Settlement Officer, Silao, Nalanda, the same shall be disposed of by him in accordance with law.

8. Accordingly, the petition stands disposed of in the aforesaid terms.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2024
Transmission Date	

