

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14549 of 2024

1. Chhathu Roy Son of Bhagwat Roy, Resident of village- Balitikar, P.S.- Muffassil, District- Katihar.
2. Sumitra Devi, Wife of Chhathu Roy, Resident of village- Balitikar, P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The Commissioner, Purnea Division, Purnea.
3. The District Magistrate, Katihar.
4. The Additional Collector, Katihar.
5. The D.C.L.R. Katihar.
6. The Circle Officer, Katihar.
7. Ashok Kumar, Son of Hiran Sah, Resident of village- Chhitabari, P.S.- Muffasil, District- Katihar.
8. Janki Devi, D/o Shaukhi Sah, Resident of village- Chhitabari, P.S.- Muffasil, District- Katihar.
9. Malti Devi, Wife of Haran Sah, Resident of village- Chhitabari, P.S.- Muffasil, District- Katihar.
10. Pramod Sah, Son of Baijnath Sah, Resident of village- Chhitabari, P.S.- Muffasil, District- Katihar.
11. Arun Kumar Azad, Son of Anglal Tanti, Resident of village- Chhitabari, P.S.- Muffasil, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Advocate

For the Respondent/s : Mr. Government Pleader-19

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 23-09-2024



Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The present writ petition has been preferred for the following relief/s:-

“ I To issue a writ in the nature of mandamus or any other appropriate writ / writs, order / orders, direction / commanding the respondents to issue a land rent receipt in favour of the petitioner in light of Khatiyani bearing Mauza Dalan, Thana No. 77, Khata no. 1050, Khesra No. 5719, total area 0.71 decimal, Jamabandi Raiyat namely Late Bhagwal Roy.

ii. Ask show cause cum explanation to the respondent no.6 under which circumstances original Jamabandi was cancelled and on the basis of forged sale deed new Jamabandi was created in favour of respondent no.7 which is absolutely illegal and without jurisdiction.

Iii. For enquire about the matter properly and restrain the private respondent to disturb the physical possession of the land by through a forged sale deed because seller has no any way concern with the land in



question as private respondent no. 7 to 11 are the land broker and they are influenced persons in the locality and they are trying to grab the raiyati land of the petitioners by a forge sale deed in collusion with the concern officials.

iv. To direct the respondent authorities to take action against the private respondent who are creating trouble to the petitioner as they have filed several cases against the petitioners.

V. To grant any other relief or reliefs for which petitioners are found entitled.”

3. Learned counsel for the petitioners submits that respondent No. 7 has filed a land dispute Case No. 157 of 2014-15, before the DCLR, Katihar against the petitioner for confirmation of possession and measurement of land, by a forged sale deed which has not been executed by any of the family members of the petitioners, which was allowed by the DCLR.

4. Learned counsel next submits that Petitioner No.1 and others have filed a transfer Revision Case No. 487 of 2013-14, before the Additional Collector, Katihar against the order dated 26-10-2012 passed by the DCLR, Katihar in Transfer



App. No. 369 of 2011-12, which was rejected on 25-06-2014, without looking into the fact of the case.

5. Thereafter, petitioners have filed a land dispute Appeal No. 97 of 2015 before the Divisional Commissioner, Purnea against the order of DCLR in BLDR Case No. 157 of 2014-15 dated 12.01.2015 and *vide* order dated 20-01-2024, all the orders of this case were set aside by the Divisional Commissioner stating that the matter includes complex question of title and the respondent (meaning thereby private respondent No. 7) may approach the competent Civil Court for adjudication of the matter. Learned counsel for the petitioner thus submits that till date no positive action was taken by the respondents for compliance of the said order.

6. On the other hand, learned counsel for the State submits that the petitioner may approach to the Divisional Commissioner for compliance of the order dated 20-01-2024.

7. Having considered the submissions canvassed on behalf of the parties, petitioner is directed to file a fresh representation for compliance of the order dated 20-01-2024, along with all relevant documents before the Commissioner, Purnea Division, Purnea, who shall be under legal obligation to dispose of the same within a period of eight weeks from the date



of receipt/production of a copy of this order.

8. With the aforesaid direction, with petition stands disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26-09-2024
Transmission Date	N/A

