

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16974 of 2024

Mukteshwar Prasad Singh Son of Mahesh Singh resident of Village-
Vishunpur Manshahi, P.S and Anchal- Mushahari, District- Muzaffarpur
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms
Department, Government of Bihar, Patna.
2. Director Land Records, Government of Bihar, Patna.
3. District Magistrate -cum- Collector, Muzaffarpur.
4. Deputy Collector, Land Reforms, Muzaffarpur East, District- Muzaffarpur.
5. Circle Officer, Anchal- Mushahari, District- Muzaffarpur.
6. Special Survey Assistant Settlement Officer, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

2 22-11-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent.

2. The petitioner who describes himself as a social worker
and an ex-Mukhiya of the Gram panchayat has filed the instant
application in the nature of a public interest litigation praying
for a direction to restrain the respondents from proceedings on



the basis of the record of rights published under section 103A of the Bihar Tenancy Act since a number of cases are still going on in different Courts against the said record of rights (*Khatiyani*), which is not declared final yet.

3. The case of the petitioner is that in the State of Bihar Cadestral survey was started in 1894 which continued upto 1914. The revisional survey was started in the year 1960 which continued till 1972-73. Objections were invited by the Settlement Officer regarding survey entry under section 103A(2) of the Bihar Tenancy Act which was to be decided by the Consolidation Officer and an appeal from the same was to be filed before the Deputy Director of Consolidation and thereafter revision before the Director of Consolidation. It is submitted that several difficulties having arisen, the consolidation proceeding was stopped in the year 1995 and thereafter the State of Bihar came up with Bihar Special Survey and Settlement Act, 2011.

4. Learned counsel for the petitioner submits that section 23 of the Act bars jurisdiction of the Civil Court and an application can be filed in the High Court and the Supreme Court. Though by letter dated 18.2.2017 of the Deputy Collector Land Reforms, East Muzaffarpur, the Circle Officer has been



given powers to open the *Jamabandi* of the land, but in many districts of Bihar denotification under section 26 not having been issued, as a result the Circle Officers are not opening *Jamabandi* for the reason that many cases are still pending before the Director of Consolidation.

5. Learned counsel submits that the present Act is full of ambiguity and thus the respondents be directed not to proceed on the basis of the record of rights (khatiyani) published under section 103A of the B.T. Act which is not yet final and several cases are pending in different Courts.

6. Having heard learned counsel for the parties and taking into consideration the contents of the petition, this Court is of the opinion that the subject matter of the application and the prayer made are not which can be entertained by way of a public interest litigation and the same are required to be dealt with individually on the facts of each case. As such, the matter in issue shall be dealt with, as and when individual petitions are filed in view of the facts arising therein.

7. In view of the facts and circumstances of the case, it is for the individual parties to take up their specific matters and on the basis of the cause of action arising to approach the authority concerned or Court seeking relief in their case.



8. The instant public interest litigation stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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