

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17768 of 2024

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1. Ramsevak Singh, Son of Late Pochai Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.
 2. Hareram Singh, Son of Rameshwar Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Lakhisarai.
3. The Additional Collector, Lakhisarai.
4. The Deputy Collector Land Reforms, Lakhisarai.
5. The Sub Divisional Officer, Lakhisarai.
6. The Circle Officer, Barahiya, Lakhisarai.
7. The Circle Amin, Barahiya, Lakhisarai.
8. The Officer In-charge, Barahiya, Police Station- Barahiya, District- Lakhisarai.
9. Rajiv Singh, Son of Late Mundrika Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.
10. Amodh Kumar, Son of Rajendra Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.
11. Shankar Singh, Son of Late Balmiki Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.
12. Pramod Singh, Son of Late Ramchandra Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.
13. Mukesh Kumar, Son of Late Bashant Singh, Resident of Village- Khutahadih, Police Station- Lakhisarai, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Advocate.
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-11-2024 1. Heard learned counsel for the petitioner and learned
AC to GP-3.
2. The learned counsel for the petitioners submits that



the instant writ application has been filed seeking a direction upon the respondents authorities to get the measurement of his private land pertaining to Mauza-Khutaha, Thana No.2, Area 15 katha and to demarcate the said land giving protection to the petitioners from the private respondents, who are powerful musclemen and anti-social elements trying to grab the above said land of the petitioners forcefully. It is next submitted that the petitioners for getting the land measured had filed an application on 01.08.2023 (Annexure-P/5 to the writ application) before the Circle Officer, Barahiya for measuring the aforesaid land after depositing the measurement fee in the month of August, 2022. It is next submitted that till date, the Circle Officer has not acted on the application of the petitioners filed on 01.08.2023.

3. The learned AC to GP-3 submits that from perusal of the pleadings made in the writ application, it would manifest that the land is not the raiyati land of the petitioners but is a Topo land i.e. unsurveyed land. It is further submitted that this perhaps explains why the Circle Officer has not acted on the application dated 01.08.2023 filed by the petitioners for seeking measurement of the land, on which, the learned counsel for the petitioners submits that what has been submitted by the learned



counsel appearing on behalf of the State is not being disputed that the land in question is a Topo land but since an application has been filed before the Circle Officer for getting the land measured on the ground that the land was settled with the ancestors of the petitioners by the ex-landlord and thereafter Jamabandi 53/40 was created in the name of petitioner no.1 and they are regularly paying rent, as such, the Circle Officer should take a decision on the application dated 01.08.2023 filed by the petitioners either to measure or not to measure but then the Circle Officer cannot keep the application dated 01.08.2023 filed by the petitioners pending.

4. The learned counsel for the State at this stage submits that the writ application can be disposed of with a direction to the Circle Officer to take a decision on the application dated 01.08.2023 (Annexure-P/5) filed by the petitioners seeking measurement of the land in question.

5. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Barahiya to take a decision on the application of the petitioners dated 01.08.2023 (Annexure-P/5) by a reasoned order within a period of two months from the date of receipt/production of a copy of this order.



6. It is made clear that the Court has not gone into the merits of the case.

(Satyavrat Verma, J)

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