

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18123 of 2023

1. Dinesh Chandra Mishra son of Late Ramchija Mishra, resident of Village- Panan Mahuawan, P.O.- Sohnariya, P.S.Kateya, District- Gopalganj and presently resident of Mohalla-Veer Bahadur Puram, P.O.- Kunraghat, P.S.- Khorabar @ Soobabazar, District Gorakhpur (U.P.).
2. Bhagesh Mishra, son of Shri Satya Narayan Mishra, resident of Village- Panan Mahuawan, P.O.- Sohnariya, P.S.Kateya, District- Gopalganj and presently resident of 141-E, Jharna TolaMohallaJahrna Tola, Khorabar @ Suba Bazar, Kunraghat, P.O.-Kunraghat @ Soobabazar, P.S.- Khorabar, District- Gorakhpur (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner, Saran Division, Saran at Chapra.
4. The Collector-cum-District Magistrate, Gopalganj, District- Gopalganj.
5. The Superintendent of Police, Gopalganj, District- Gopalganj.
6. The Deputy Collector Land Reforms, Hathua, District- Gopalganj.
7. The Sub-Divisional Officer/Magistrate, Hathua, District- Gopalganj.
8. The Sub-Divisional Police Officer, Hathua, District- Gopalganj.
9. The Circle Officer, Kateya, Block and Circle- Kateya, District- Gopalgani
10. The Officer In-charge, P.S.- Kateya, District- Gopalganj.
11. Ram Naresh Mishra Son of Late Ram Chij Mishra resident of Village- Mahuawan, P.O.- Sohnariya, P.S.- Kateya, District- Gopalganj
12. Abhishek Raman Mishra Son of Late Ram Chij Mishra resident of Village- Mahuawan, P.O.- Sohnariya, P.S.- Kateya, District- Gopalganj
13. Praveen Raman Mishra Son of Ram Naresh Mishra resident of Village- Mahuawan, P.O.- Sohnariya, P.S.- Kateya, District- Gopalganj
14. Sandeep Raman Mishra Son of Ram Naresh Mishra resident of Village- Mahuawan, P.O.- Sohnariya, P.S.- Kateya, District- Gopalganj
15. Vivek Raman Mishra Son of Ram Naresh Mishra resident of Village- Mahuawan, P.O.- Sohnariya, P.S.- Kateya, District- Gopalganj
16. Amrendra Mishra Son of Late Arjun Mishra resident of Village- Mahuawan, P.O.- Sohnariya, P.S.- Kateya, District- Gopalganj
17. Baliram Singh son of Late Janki Singh, resident of Village- Konhawani, P.O. and P.S.- Gopalganj, District- Gopalganj. Presently working as Advocate Clerk (Taid), Civil Court, Gopalganj.
18. Vishwanath Pandey son of Ganga Pandey, resident of Village- Raipura, P.S.- Kateya, District- Gopalganj.



19. Narendra Singh son of Late Srideo Singh, resident of Village- Bhusawan, P.S.- Thawe, District- Gopalganj.
20. The Mukhiya, Gram Panchayat Raj Baikunthpur, P.O.-Sohnariya, Circle and P.S.- Kateya, District- Gopalganj.
21. The Sarpanch, Gram Panchayat Raj Baikunthpur, P.O.-Sohnariya, Circle and P.S.- Kateya, District- Gopalganj.
22. The Head Master, Phulmati Girls High School, Kateya, P.O. and P.S. Kateya, District- Gopalganj.
23. The Chairman, Board of Revenue, Govt. of Bihar - cum - the In-charge Chairman, Bihar Bhoodan Yagna Committee, Patna.
24. The Central Official Minister, Bihar Bhoodan Yagna Committee, Patna.
25. The Karyalaya Mantri, Zila Bhoodan Yagna Karyalaya, Gopalganj, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Adv. Mr. Alok Abhinav, Adv.
For the State	:	Mr. K. P.Gupta, GP-10 Ms. Deepanjali Gupta, AC to GP-10
For the Bhoodan Yagna Committee	:	Mrs. Alka Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2024 The present writ has been filed seeking the following
reliefs:-

“1(a). For issuance of writ in the nature of mandamus directing/commanding the respondent-State to take action against the respondent nos.11 to 16 with respect to misuse/illegal use and create illegal Jamabandi and possession in their names of the Public Land/Govt. Land of Mauza-Mahuawan, Thana No.201, P.O.-Sohnariya, Block, Circle and P.S.-Kateya, District-Gopalganj, bearing Khata No.96, Plot No.48 Area 4 Bigha 18 Kattha 19 Dhur Nature of land-Pokhar, Plot No.372 Area 12 Kattha 12 Dhur, Nature of land-



Pokhar Ka Bhith, Plot No.376 Area 1 Bigha 2 Kattha 7 Dhur, Nature of land- Pokhar Ka Bhitha, Plot No.453, Area 3 Bigha 11 Kattha Nature of land- Pokhar, Kattha 1 Dhur Nature of land- Pokhar, Plot No.478 Area 6 Kattha 9 dhur Nature of land-Malik Gairmazarua, Plot No.468 Area 1 Bigha 2 Kattha 1 Dhur Nature of land-Pokhar i.e. Total Area 13 Bigha 10 Katthas 10 Dhurs and further bearing Khata No.96, Plot No.47 Area 2 Bigha 2 Dhur Nature of land-Jangle (Forest), Plot No.208 Area 11 Dhur Nature of land-Malik Gairmajarua and Plot No.222 Area 2 Kattha 19 Dhur Nature of land- Aam Gairmajarua which are Public Land/Govt. Land on the basis of fake documents and by way of making forgery in connivance with the some Government Officials/Employees taken into under their possession.

(b). For further directing/commanding the respondent-State to take action against the respondent nos.11 with respect to misuse/illegal use and create illegal Jamabandi and possession in his name of the Public Land/Govt. Land of Mauza-Mahuawan, Thana No.201, P.O.- Sohnariya, Block, Circle and P.S.-Kateya, District-Gopalganj, bearing Khata No.96, Plot No.48 Area 4 Bigha 18 Kattha 19 Dhur Nature of land-Pokhar, Plot No.372 Area 12 Kattha 13 Dhur, Nature of land- Pokhar Ka Bhith, Plot No.376/396 Area 1 Bigha 2 Kattha 7 Dhur, Nature of land Pokhar Ka



Bhtha, Plot No.453, Area 3 Bigha 11 Kattha, Nature of land-Pokhar, Khata No.96, Plot No.371 Area 1 bigha 16 Kattha 1 Dhur Nature of land-Pokhar, Plot No.478 Area 6 Kattha 9 dhur Nature of land-Malik Gairmazarua and Plot No.468, Area 1 Bigha 2 Kattha 1 Dhur Nature, land Pokhar, by way of making drama/fraud both father and sons i.e. the respondent nos.11 to 15 and other family member nos.16 filed a T.S.No.349/2017 between them and vide order / Judgement dated 14.06.2018 passed by the learned Sub-Judge- Gopalganj got the judicial order in favour of respondent no.11 and thereafter also got order vide order dated 13.02.2020 passed in Rent Fixation Case No.11/2019-20 and also vide order dated 05.12.2020 passed in Rent Fixation Case No. 04/2020-21 which has been issued vide Memo No.614 dated 05.12.2020 passed by the learned Deputy Collector Land Reforms (D.C.L.R.), Hathua, District- Gopalganj (respondent no.6) for fixation of rent of Public Land/Govt. Land in favour of the respondent no.11(Ram Naresh Mishra).

(c). Further for direction to the respondent-State to take action against the Govt. employees who helped the respondent no.11 in issuing Jamabandi Number and fixing rent of the land in question in favour the respondent nos.11 which is Public Land/Govt. Land.

(d). Further to direct the respondent no.4 (the



Collector-cum-District Magistrate, Gopalganj) lodge criminal case and initiate criminal proceeding against the respondent no.11 (Ram Naresh Mishra) and other persons who helped the respondent no.11 in registering illegal Jamabandi receipt and fixing rent of the land in question which is Public Land/Govt. Land with garb and use of public land as Private Land.

(e). For direction to the respondent-State to set up an enquiry with respect to the land in question this is Public Land/Govt. Land with garb and use of Public Land/Govt Land as Private Land by the respondent no.11 and other family members.”

2. After some arguments, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Respondent No. 9, i.e. the Circle Officer, Kateya, District-Gopalganj, for redressal of their aforesaid grievances. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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