

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23651 of 2018

Shankar Das Son of Late Debu Das, Resident of Village- Bihat, Tola-Navtolia, Sudiasthan, P.S. and Anchal- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Begusarai.
3. The Deputy Collector, Land Refroms, Begusarai.
4. The Circle Officer, Barauni, District- Begusarai.
5. The Circle Inspector, Anchal Barauni, District- Begusarai. null null
6. That Anchal Amin, Anchal Barauni, District- Begusarai.
7. Ramhit Mahto, Son of Mangal Mahto, Resident of Village- Bihat, Tola-Navtolia, Sudiasthan, P.S. and Anchal- Barauni, District- Begusarai.
8. Prakash Das, Son of Late Basudeo Das, Resident of Village- Bihat, Tola-Navtolia, Sudiasthan, P.S. and Anchal- Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2025 Heard the parties.

2. The present petition has been preferred for the following relief(s):-

“For issuance of appropriate writ/writs, order/orders, direction/directions for the following reliefs:-

(i) To direct the respondents to restore possession of the petitioner over the part of the land in question, i.e. 2 decimal 383 sq. links from



north east of Schedule -I and III out of 7 decimal land given in purcha from private respondent no.7 and from whom, who ever be found in lieu and in aid of the private respondent no.7 which was given in possession to petitioner through the agency of the court on 01.12.2005 in compliance of the order passed in Execution Case No.21/2001.

(ii) To direct the respondents to obey and implement and abide by the lawful directions dated 31.08.2017 of the D.C.L.R. passed in Land Dispute Case No.7/16-17 filed by petitioner against private respondent no.7 and others considering the aforementioned case held and directed the Circle Officer to ensure possession of the petitioner from the dispossessed land in question from the purcha land of 7 decimal.

(iii) To hold and declare that the letter dated 30.09.2018 issued by respondent no.2 reporting to National Commission for Scheduled Castes, State Office, that petitioner is in possession of 7 decimal land given in purcha no.38/68-69 and is in possession of the same which was handed



over to petitioner on 08.12.2005 in terms of Case No.38/90 is per se illegal and be set aside being contrary to the Schedule-III of the original decree.

(iv) To direct the respondents to take punitive action against the erring officers responsible not obeying and implementing and abiding by the lawful directions issued in favour of petitioner.

(v) To grant any other relief/s for which the petitioner be found entitled in the eye of law. ”

3. A counter affidavit has been filed on behalf of the respondent nos.2 to 4 duly signed by the Circle Officer, Barauni and as per paragraph no. 6, the measurement work was done by the Anchal Amin as directed by the D.C.L.R, Begusarai *vide* an order dated 31.08.2017 and after measurement, it was found that the petitioner is having house over 0.05 decimal of land and 0.02 decimal of land is being used by him as *Sahan/rasta*.

4. Learned counsel for the petitioner dispute the same and submits that he is presently in possession of only 0.05 decimal of land and the rest 0.02 decimal of land has been forcibly occupied by the Respondent no. 7, Ramhit Mahto. The submission is that he is ready for re-measurement along with a



fees of Rs. 5,000/- (Rupees Five Thousand) to be deposited with the office of Circle Officer, Barauni, Begusarai and if, it is found in line with the statement made by the respondents in the counter affidavit that the petitioner is having his home/house on 0.05 decimal of land and whether 0.02 decimal of land is being used by *rasta* in as much as he is in occupation of 0.07 decimal of land, the amount be forfeited. However, if the result comes different and it is found that he is not in possession of 0.07 decimal of land, he is entitled to the additional land which has been occupied by the Respondent no. 7, Ramhit Mahto.

5. Learned counsel for the State has no objection.

6. In that background, the writ petition is disposed of directing the petitioner to appear before the Circle Officer, Barauni, Begusarai (Respondent no.4) alongwith the Bank Draft of Rs. 5,000/- (Rupees Five Thousand) in the name of Circle Officer, Barauni, Begusarai along with application/order of this Court. Once the said application alongwith the Bank Draft is submitted:-

(i) the Circle Officer, Barauni, Begusarai (Respondent no.4) shall issue notices upon the Respondent no. 7, Ramhit Mahto as well as to the petitioner and fix a date for measurement;



(ii) on the date of measurement, in the presence of all the parties, the proper measurement shall be made and their signatures be incorporated;

(iii) if any of the party fails to put in their signatures the same be recorded in the presence of the local witnesses, copy of which must provided to the parties;

(iv) if it is found that the statement made by the Circle Officer, Barauni, Begusarai (as recorded in the counter affidavit) is correct and the petitioner is in possession of 0.07 decimal of land, the amount of Rs. 5,000/- (Rupees Five Thousand) that has been deposited by him shall stand forfeited;

(v) contrary to it, if he is bereft of 0.07 decimal of land, not only the petitioner will be entitled to the amount/refund, the Circle Officer, Barauni, Begusarai shall ensure that 0.02 decimal of missing land is restored to him.

7. With the aforesaid observations, the writ petition is disposed of.

(Rajiv Roy, J)

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