

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1992 of 2022

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Kirani Prasad @ Kirani Singh, S/o Kapil Dev Singh, R/o Village and Post-Hathiyanwa, P.S. and Dist.-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Revenue and Land Reforms, State of Bihar, Patna.
2. The Addl. Chief Secretary, Department of Revenue and Land Reforms, State of Bihar, Patna.
3. The District Magistrate, Sheikhpura, District Sheikhpura, 811105.
4. The Addl. District Magistrate, District Sheikhpura.
5. The Deputy Collector Land Reforms (D.C.L.R.), at Sheikhpura, Dist. Sheikhpura.
6. The Circle Officer (C.O.), Block Sheikhpura, at Sheikhpura, Dist. Sheikhpura.
7. Kaushal Kishor Singh, S/o Nageshwar Singh, R/o Village and Post-Hathiyanwa, P.S. and District-Sheikhpura.
8. Janardan Singh, S/o Late Anup Narayan Singh, R/o Village and Post-Hathiyawan, P.S. and District-Sheikhpura.
9. Nawal Kishor Singh, S/o Late Ramawtar Singh, R/o Village and Post-Hathiyanwa, P.S. and District-Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Adv.
For the State-resps.	:	Mr. Md. Ebadur Rahman Shakeb, AC to AAG-12
For the Private Resp.	:	Mr. Amarnath Kumar, Adv.
		Mr. Ravi Kant, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 19-11-2025 The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs :-

“i. For issuing show cause to the Respondent No. 6 as why the office concerned had/has been issuing and serving to the Petitioner the same notice/s under subject "Demarcation /



Measurement Case" (with different case numbers) since 23/11/2016 to 08/06/2021 (Annexure-1, Series) against the Rayati / Niwas Land situated in Mauza Hathyawar bearing Thana No. 158, Khata No. 52 Khesra No. 679 admeasuring area of 25 Decimal of Petitioner and private Respondents ancestral property, which has orally partitioned decades ago between the co-parceners and substantially involved question of Right, Title and Interest.

ii. For direction to The Respondent No. 6 to observe the principle of "Res Judicata" before registering such Measurement cases (Same Subject Matter, the Rayati / Niwas Land situated in Mauza Hathyawar bearing Thana No. 158, Khata No. 52 Khesra No. 679 admeasuring area of 25 Decimal and between Same set of contesting parties) followed by issuing / serving notices and harassing the Petitioner.

iii. For any other relief in favour of the petitioner as the Honorable Court may deem fit and proper in the facts and circumstances of the case."

2. Mr. Ajit Kumar, learned counsel for the petitioner, Mr. Md. Ebadur Rahman Shakeb, learned AC to AAG-12 for the State-respondents and Mr. Amarnath Kumar, learned counsel for the private respondents, are present and they are heard.

3. The main issue raised by the petitioner in this writ petition is that the Circle Officer, Sheikhpura (respondent No. 6), has made six attempts to demarcate the land in question in violation of the order dated 27.02.2017 passed in Demarcation



Case No. 07/2016-17 by the Deputy Collector, Land Reforms (DCLR), Sheikhpura, in which it was clearly held that on account of dispute of title and rights running between both the parties, the demarcation of the land in question was not possible and in result the case filed by the respondent No. 8 for demarcation was rejected but even then, the Circle Officer, Sheikhpura, attempted to proceed with the demarcation by issuing several notices, the details of which have been given in tabular form in paragraph No. 6 of the petition.

4. During the course of argument, learned AC to AAG-12 for the State-respondents has pointed out the order of the District Magistrate-cum-District Public Grievance Appellate Authority, Sheikhpura, passed in Public Grievance Case No. 526110108121600605/2A, in which a specific direction was given to the Circle Officer, Sheikhpura, to fix a date for demarcation of the land in question. So, due to that direction, the Circle Officer, Sheikhpura, proceeded with the land in question so a wrong intention on his part can not be presumed, however, the Circle Officer, Sheikhpura, has now taken the decision that on account of the resistance made by the petitioner (opposite party in Annexure-B) as well as owing to question of law and order, the demarcation is not possible, so, in view of



this position, the petitioner presently has no grievance. So, the instant writ petition stands disposed of as being infructuous.

(Shailendra Singh, J)

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