

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2623 of 2022

1. Jalash Paswan Son of Munnilal Paswan, Resident of Vilalge-Ukhara, P.S.-Hanumannagar, District-Darbhangha.
2. Raju Paswan Son of Harikishun Paswan Resident of Village-Phulwariya, P.S.-Hanuman Nagar, District-Darbhangha.
3. Kalawatiya Devi Wife of Ramchandra Paswan Resident of Village-Phulwariya, P.S.-Hanuman Nagar, District-Darbhangha.
4. Urmila Devi Wife of Ramu Paswan Resident of Village-Phulwariya, P.S.-Hanuman Nagar, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms Department Bihar, Patna
2. The District Magistrate, Darbhanga.
3. The Sub Divisional Officer, Sadar, Darbhanga.
4. The Deputy Commissioner Law Reforms Sadar, Darbhanga
5. The Circle Officer, Hunuman Nagar, Darbhanga.
6. The Officer-in-Charge, Bishanpur Police Station, Darbhanga.
7. Anaiki Rai Son of Yogi Rai Resident of Village-Uchauli, P.S.-Hayaghat, District-Darbhangha.
8. Satnam Rai Son of Mahendra Rai Resident of Village-Uchauli, P.S.-Hayaghat, District-Darbhangha.
9. Harnam Rai Son of Mahendra rai Resident of Village-Uchauli, P.S.-Hayaghat, District-Darbhangha.
10. Satrudhan rai Son of Sahdeo Rai Resident of Village-Uchauli, P.S.-Hayaghat, District-Darbhangha.
11. Udagar Rai Son of Pragas Rai Resident of Village-Chhatona, P.S.-Hayaghat, District-Darbhangha.
12. Kalpu Rai Son of Pragas Rai Resident of Village-Chhatona, P.S.-Hayaghat, District-Darbhangha.
13. Jawahar Rai Son of Dodhari Rai Resident of Village-Chhatona, P.S.-Hayaghat, District-Darbhangha.
14. Sukharu Rai Son of Ramphal Rai Resident of Village-Chhatona, P.S.-Hayaghat, District-Darbhangha.
15. Laxman Thakur Son of Dev Narayan Thakur Resident of Village-Rajpa, P.S.-Kalyanpur, District-Samastipur.
16. Subodh Thakur Son of Bhupnarayan Thakur Resident of Village-Rajpa, P.S.-Kalyanpur, District-Samastipur.
17. Sushil Thakur Son of Unknown Resident of Village-Rajpa, P.S.-Kalyanpur, District-Samastipur.



18. Shankar Mishra Son of Sahdev Mishra Resident of Village-Hanuman Nagar, P.S.-Bishanpur District-Darbhanga.
19. Ram Kumar Mishra Son of Sahdev Mishra Resident of Village-Hanuman Nagar, P.S.-Bishanpur District-Darbhanga.
20. Ramjee Mishra Son of Ameri Mishra Resident of Village-Hanuman Nagar, P.S.-Bishanpur District-Darbhanga.
21. Bambam Mishra Son of Yogi Mishra Resident of Village-Hanuman Nagar, P.S.-Bishanpur District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-12-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioners seeking the following relief(s):

" 1. That this is an application for issuance of appropriate writ or writs, direction directions commanding or the official respondents to take necessary action against the private respondents who are almost to disturb the peaceful possession of the petitioners on their land which has been granted to their PARWANA under the Bihar Land Reforms (Fixation of ceiling and acquisition of supplier land) Act, 1961 herein after referred as Bihar Land ceiling Act and also to cover the crops which has been forcibly taken away the by private respondents and/or issuance of appropriate consequential writ or writs to restrain the private respondents to interfere in the peaceful possession of the land of the petitioners and or issuance of any other writ or writs under the facts and circumstances of the case."



2. Mr. Girish Chandra Jha, learned counsel appearing for the petitioners and Mr. Md. Khurshid Alam, learned counsel appearing for the State-respondents are present and they are heard.

3. The main grievance raised by the petitioners is that the private respondents are interfering with their peaceful possession over the lands allotted to them through the Parwana issued under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, It is submitted by the petitioners' counsel that all the petitioners belong to Scheduled Castes and Scheduled Tribes Community and considering them landless persons they were allotted the lands under the said act in the year 2006 by issuance of Parwana, copies of which have been filed with this writ petition.

4. After having heard both the sides, this court finds that the petitioners have an efficacious remedy under Section 4 of the Bihar Land Disputes Resolution Act, 2009 and they have already filed an application before the competent authority i.e. D.C.L.R., Darbhanga for redressal of their grievance, which is still pending. In view of this, the court is of the opinion that the issue raised by the petitioners before this court is premature for consideration under writ jurisdiction, however, the D.C.L.R.



Sadar, Darbhanga is directed to dispose of the petitioners' application dated 08.04.2021 treating it as a case under Section 4 of the Bihar Land Disputes Resolution Act, 2009 in accordance with the law and on merits after giving sufficient opportunity of hearing to all the concerned persons and decide the same within four months from the date of communication of this order. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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