

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16067 of 2018

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Pankaj Kumar Son of Late Shiv Shankar Prasad, resident of Ward No. 12,
Salempur, Ansari Mohalla, Police Station- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Patna.
2. The Deputy Collector Land Reforms, Barh, Patna.
3. The Sub Divisional Officer, Barh, Patna.
4. The Circle Officer, Barh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2, Advocate
For the State	:	Mr. Manoj Kumar Sinha (AC to SC-19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for appropriate writ(s) or direction(s) to the respondent authorities particularly the Respondent no.4 to demarcate the land of the petitioner which is situated at Mohalla- Ansari, Ward No.12, Jamabandi No.75, Thana No.57, Khata No.174, Khesra No.267, 268, 542 at Mauza- Kajichak on the cost of the petitioner and/or for any other relief(s) to which the petitioner may be found entitled.

3. Learned counsel for the State raised a preliminary



objection and submits that the petitioner had approached the Circle Officer, where, *vide* order dated 17.07.2017, it was observed that a dispute is ongoing over the land in question between both parties.

4. It transpires to this Court *vide* pleadings of the writ petition that there is no private respondent in this case. The land is *raiyati* in nature and at this juncture, no order could be passed by this Court until and unless the contesting party shall not be made party in the present case. The Circle Officer has refused to pass any order and instructed that the land is in dispute and parties are free to move before the competent court to show that which part belongs to the petitioner.

5. Learned counsel for the State submits that as per the Tenancy Rules under Bihar Tenancy Act, 1885 (Act No. VIII of 1885), Rule 23 deals with measurement of lands where necessary, and deposit of cost thereof. And Rule 23(3) of the Tenancy Rules under Bihar Tenancy Act, 1885 is relating to Appeal in which any person aggrieved by the measurement of land by the Amin as per order of the Anchal Adhikari, may file an appeal against the measurement of land by the Anchal Amin/measurement report of Anchal Amin in the court of Deputy Collector Land Reforms within 30 working days from



the date of measurement of the land.

6. Learned counsel for the petitioner submits that the measurement has not been made and it has been refused. He submits that the petitioner has filed an application before the Deputy Collector Land Reforms, Barh, Patna, but no order has been passed by him.

7. This Court is of the view that the D.C.L.R has to pass order against the decision made by the Circle Officer. It is made clear that under the Bihar Land Disputes Resolution Act, 2009 (Bihar Act No. 4 of 2010) also, section 4(1)(h) deals with the jurisdiction of B.L.D.R relating to boundary disputes.

8. It is directed that the D.C.L.R., while entertaining the matter, shall exercise the powers vested in him under Section 4(1)(h) of the Bihar Land Disputes Resolution Act, 2009, as well as under Rule 23(3) of the Tenancy Rules framed under the Bihar Tenancy Act, 1885.

9. The Deputy Collector Land Reforms, Barh, Patna (Respondent no.2) shall pass order on the petition filed by the petitioner within 90 days after hearing all concerned including the opponent of the petitioner about whom the petitioner shall indicate in his petition. The said order shall be passed within 90 days after appearance of all concerned.



10. Hence, this writ petition is hereby disposed off.

(Dr. Anshuman, J)

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