

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6675 of 2019

1. Sudama Devi Wife of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
2. Rekha Devi Wife of Late Maruthnandan Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
3. Ravi Kumar Son of Late Maruthnandan Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
4. Hare Ram Prasad Singh Son of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
5. Ram Priya Singh Son of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
6. Ramadhar Singh Son of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
7. Ramudar Singh Son of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
8. Narendra Singh Son of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
9. Satendra Singh Son of Late Ram Janam Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
10. Kumkum Devi Wife of Dinesh Singh and Daughter of Late Ram Janam Singh Resident of Village- Maghra, Police Station- Dipnagar, District- Nalanda
11. Vibha Devi Wife of Motilal Singh and Daughter of Late Ram Janam Singh Resident of Village- Ambari, Police Station- Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Collector, Sheikhpura
3. The Deputy Collector Land Reforms Sheikhpura
4. The Circle Officer, Barbigha, District- Sheikhpura
5. Suryadeo Singh Son of Late Laxmi Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
6. Hardeo Singh Son of Late Laxmi Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
7. Kusum Devi Wife of Late Kapildeo Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
8. Chandra Shekhar Singh Son of Late Kapildeo Singh Resident of Village- Sherpur, Police Station- Barbigha, District- Sheikhpura
9. Nand Kishore Singh Son of Late Kapildeo Singh Resident of Village-



Sherpur, Police Station- Barbigaha, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Ravi Bhatia, Advocate
For the State	:	Mr. Sajid Salim Khan (SC-25)
For the Private respondents	:	Mr. Dharmesh Kumar, Advocate Mr. Bal Bhushan Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-11-2025 Heard learned Senior counsel for the petitioners Mr. J.S. Arora assisted by Mr. Ravi Bhatia, Advocate; learned Senior counsel for the State Mr. Sajid Salim Khan and learned counsel for the private respondents Mr. Dharmesh Kumar assisted by Mr. Bal Bhushan Choudhary, Advocate.

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) For setting aside the order dated 29.01.2016, passed in Mutation Revision Case No. 39 of 2014 by Court of Learned Collector, Sheikhpura, whereby the said Revision Application preferred against the order dated 28.08.2014, passed in Mutation Case No. 34 of 2013-14 by the Court of Learned Deputy Collector Land Reforms



Sheikhpura has been affirmed.

(ii) Also for setting aside the order dated 28.08.2014 passed in Mutation Appeal Case No. 34 of 2013-14 by the Court of Learned Deputy Collector Land Reforms Sheikhpura, whereby the appeal of the husband of the petitioner against the order dated 14.12.2013, passed by the Learned Circle Officer, Barbigha, District- Sheikhpura for mutation of his land in question has been rejected.

(iii) Also for setting aside the order dated 14.12.2013, passed by the Learned Circle Officer, Barbigha, District- Sheikhpura in Mutation Case No. 1592 of 2013-14 whereby the application filed by the husband of the petitioner for mutation of his land in question has been rejected.

(iv) Also for commanding the respondent authorities to allow the application filed by the husband of the petitioner by directing the Circle Officer, Barbigha, District - Sheikhpura to mutate the land in question in his favour by creating a fresh Jamabandi in his favour.

(v) Also for any other appropriate



relief(s) to which the petitioner is found entitled either in the eye of law or in the facts and circumstances of the case.

(vi) For setting aside the order dated 13.7.2018, passed in B.L.T. Case No. 383 of 2016 by the Member (Administrative), Bihar Land Tribunal, whereby the application preferred against the order dated 29.01.2016 in Mutation Revision Case No. 39 of 2014, setting aside the order dated 28.08.2014, passed by the Learned Deputy Collector Land Reforms in Mutation Case No. 34 of 2013-14 as well as setting aside the order dated 15.12.2013 / 14.12.2013, passed in Mutation Case No. 1592 of 2013-14 by the Circle Officer, Barbiga has been rejected.”

3. The petitioners are agnates of respondent nos.5 to 9, they being descendant of Bhagwat Singh/Paras Singh. The details of the land is/are as follows:-



(i)	Mauza – Barbiga, Thana No. 36 Khata No. 188 & 189	Bhagwat Singh 1.66% Decimals	Paras Singh 1.69% Decimals
(ii)	Mauza – Narayanpur Thana No. 62 (a) Khata No. 182, 183 & 184 (b) Khata No. 218, 219 & 452	29% Decimals 19% Decimals	30% Decimals 19% Decimals
Total		2.15% Decimals	2.20% Decimals

4. The claim of the petitioners is/are that of the 4.68 acres of land which the family hold, half belongs to Bhagwat Singh while the rest half belongs to Paras Singh. Actually, they wanted hold over the land and represented/fought the battle before the Revenue Authorities which went up to the Bihar Land Tribunal, Patna in B.L.T. Case No. 383 of 2016 (Ramjanam Singh Vs. The State of Bihar & Ors.).

5. The parties were noticed and the Tribunal *vide* an order dated 13.07.2018 gave the following findings:-

“1. It appears that entire land pertaining to Jamabandi No. 36 was recorded earlier in the name of Bhagwat Singh since his brother Paras Singh had expired, leaving behind his minor son (present petitioner).

2. Only half of land of J.B. No. 36 was sliced out for him by Laxmi Singh, s/o- Bhagwat Singh, testifying that remaining half did not belong



to him or his father Bhagwat Singh. It alludes that the remaining half belonged to the petitioner's ancestors.

3. Since objection was raised by J.B. raiyat's heirs. No splitting on existing J.B. in possible.

4. The petitioner has sold 21 decimals out of remaining half in J.B. No. 36 to opp. party. This conclusively proves that the petitioner had right and title over remaining half of lands pertaining to J.B. No. 36. The buyer was no stranger. He was opp. party himself.

5. Nevertheless, the matter relates to formal partition, which can be done only by a competent Civil Court. All concerned are free to move a Competent Civil Court in this regard.

In the light of the above, the application is dismissed.”

6. Learned Senior counsel for the petitioners submit that they are agnates and wanted amicable settlement between the families in terms of the previous partition of the year 1931, as genuine demand was made. Learned counsel representing the respondents on the other hand submits that lots of water has flown down the ganges, number of parties are there, the sight of amicable settlement is not there.

7. The submissions have been recorded. The bone of contention is 4.68 acres of land which both side claimed to be



there. In the opinion of the Court, the Tribunal rightly came to the finding that the appropriate forum for them is a competent civil court and they should get an order from it. The Court thus opines that the parties may agitate the matter before a competent civil court.

8. Needless to add, if such petition/case is preferred before a competent civil court, the same may be taken to its logical conclusion after hearing the parties, adducing the evidence without being influenced by any of the order/observation made by the Revenue Authorities up to the Bihar Land Tribunal.

9. The writ petition is disposed of with the aforesaid observations.

(Rajiv Roy, J)

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