

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15725 of 2016

Daibdayal Giri son of Rameshwar Giri, resident of Mahesh Village-Yogiya Mathia, P.S.-Rasulpur, P.O.-Yogia, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Chapra (Saran).
4. The Circle Officer, Ekma, Chapra.
5. Satya Narayan Giri, son of Late Ram Naresh Giri, village-Jogiya Mathia, P.S. Rasulpur, P.O. -Jogiyar, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Prakash Prabhakar, Advocate
For the Respondent/s : Mr.Dhurjati Kumar Prasad-Gp14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2025 Heard the parties.

2. The present petition has been preferred for the following relief/s:

(i) this is an application for considering the aspects application that a piece of agricultural land can be transferred in its nature to home stead land or Dih-basgit land without adopting proper recourses of the law, especially when in the registration sale deed, the nature of the land is



mentioned as irrigated land, and in the argument for overlapping this fact, the claim of the person only by saying that it is a clerical mistake and he mentioned the irrigation nature only to save the Court fees Such statement is recorded before the Court;

(ii) that it is legal that in the pendency of the case period, the nature of the land can be forcibly transferred and is the Court bound to consider the change of nature, that the nature of the land has been changed and at present status of the land is home stead land ignoring the application and Information of the petitioner in this regard.

3. Learned counsel for the petitioner submits that respondent no.5 has adopted different tactics to change the nature of land to homestead without adopting the proper procedure.

4. Learned State counsel submits that the litigation that the petitioner is having with respondent no.5 can be adjudicated only before a competent authority/Court and not under the writ jurisdiction.



5. Learned counsel for the petitioner submits that he may be granted liberty to approach the appropriate authority/Court for the redressal of the grievance against the respondent no.5/his family members.

6. In view of the limited prayer made by the petitioner, the writ petition is disposed of allowing him to approach the appropriate authority/Court for the redressal of the grievance against the respondent no.5.

(Rajiv Roy, J)

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