

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3481 of 2025

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Madan Sah S/o- Late Kedar Sah, R/o Mohalla, Premchand Path, Gaurakshni,
P.S- Sasaram (Town), District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Department of Revenue and Land Reforms Government of Bihar, Patna.
2. The Collector, Rohtas, District- Rohtas.
3. The Additional Collector, Rohtas, District- Rohtas.
4. The Sub Divisional Officer, Sasaram District- Rohtas.
5. The Deputy Collector Land Reforms, Sasaram, District-Rohtas.
6. Baban Sah, S/o- Late Ramchandra Sah, R/o Village- Badki Kharari, P.S- Karaghar, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy
For the Respondent/s	:	Mr. Government Advocate 05
		Mr. AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-06-2025 1. Heard learned counsel for the petitioner and
learned AC to GA-5 for the State.

2. The learned counsel for the petitioner submits that respondent no.6 is son of Megha Kuer. It is next submitted that petitioner purchased 80 decimals of land from Megha Kuer vide registered sale deed no.10691 dated 25.07.2012 (Annexure-P/1). It is further submitted that land which the petitioner purchased from Megha Kuer pertains to Khata No.125, Plot No.1411 area 30 decimal, Mauza-Khadari, Anchal-Karaghar, District- Rohtas and land pertaining to Khata No.244, Plot No.1419, area 50



decimals, Mauza-Khadari, Anchal Karaghar, District- Rohtas. It is thus submitted that petitioner purchased 80 decimals of land from the aforesaid two plots by a single registered sale deed mentioned herein above. It is further submitted that after purchasing the land, the petitioner got the land mutated by filing Mutation Case No.1223 of 2012 before the Circle Officer, Karaghar and accordingly, Jamabandi No.46 was created in the name of the petitioner with respect to 80 decimal of his purchased land (Annexure-P-3). It is submitted that respondent no.6 challenged the order of mutation passed by the Circle Officer by filing Mutation Appeal No.56 of 2012 before the DCLR, Sasaram, the DCLR, Sasaram remanded the matter back to the Circle Officer for fresh consideration by an order dated 04.03.2013 (Annexure-2 series). It is next submitted that the Circle Officer based on remand order passed by the DCLR initiated Remand Case No.56 of 2012-13 and after giving proper opportunity of hearing to both the parties allowed the Mutation Case of the petitioner on 12.02.2014 and accordingly, Jamabandi No.46 was created. The respondent no.6 did not challenge the order passed in Remand Case No.56 of 2012-13, thus the same attained finality.

3. It is submitted that respondent no.6 is having



dispute with his mother, as such, he had filed Title Suit No.286 of 2011 in the Court of the learned Sub-Judge-13, Sasaram in which his mother was impleaded as defendant. It is next submitted that the Title Suit No.286 of 2011 got dismissed for non-prosecution by an order dated 05.01.2018 against which the respondent no.6 did not file any restoration application. It is next submitted that respondent no.6 thereafter filed T.S. No.704 of 2012 in the Court of the learned Sub-Judge-1, Sasaram in which petitioner was impleaded as defendant. The said T.S. No.704 of 2012 was also dismissed for non-prosecution by an order dated 13.04.2018 (Annexure-P/6). It is submitted that after the Title Suit No.704 of 2012 got dismissed for non-prosecution in the Year 2018, the respondent no.6 did not file any application seeking its restoration rather again filed Title Suit No.790 of 2021 before the Civil Court, Sasaram impleading the petitioner as defendant and the said case is pending adjudication.

4. It is next submitted that in view of the facts as recorded herein above, it would manifest that the petitioner purchased the land from Megha Keur, mother of respondent no.6, but then, respondent no.6 is having dispute with his mother for which he had filed Title Suit against her, which got



dismissed for non-prosecution and thereafter, again the petitioner filed another Title Suit impleading the petitioner as defendant which also got dismissed for non-prosecution in the Year 2018, thereafter Title Suit No.790 of 2021 was instituted which amply demonstrates that respondent no.6 is trying to disturb the petitioner and does not want the case to attain finality and at the same time, is disturbing the peaceful possession of the petitioner over his purchased land.

5. The learned counsel appearing on behalf of the petitioner submits that in the circumstances the petitioner filed an application before the Circle Officer, Karaghar, Rohtas dated 19.10.2024 for getting his purchased land measured for the purposes of demarcation, but then, till date the application of the petitioner dated 19.10.2024 has not been acted upon nor the Circle Officer is accepting the measurement fee which the petitioner intends to deposit in terms of Section 118 of the B. T. Act, 1885 for getting his purchased land measured.

6. The learned counsel appearing on behalf of the State, at this stage, submits that the Circle Officer has not been impleaded as party respondent in the instant writ application on which the learned counsel appearing on behalf of the petitioner submits that I.A. No.01 of 2025 has been filed for impelading



the Circle Officer, Karaghar, Rohtas as respondent no.7.

7. The I.A. No.01 of 2025 is allowed.

8. It is further submitted that in I.A. No.01 of 2025, it has been specifically pleaded that when the Circle Officer did not take any action on the application of the petitioner dated 19.10.2024, as such, the petitioner filed an application before the DCLR, Sasaram, Rohtas for getting his purchased land measured.

9. The learned counsel for the State, at this stage, submits that from perusal of the application dated 19.10.2024 filed by the petitioner before the Circle Officer, Karaghar (Annexure-P/7 series), it would manifest that the application of the petitioner dated 19.10.2024 does not contain any receiving from the office of the Circle Officer, as such, it is submitted that petitioner be given liberty to file a fresh representation on which the learned counsel appearing on behalf of the petitioner submits that petitioner will file a fresh application before the Circle Officer, Karaghar for getting his purchased land measured in accordance with law on or before 03.07.2025.

10. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file an application before the Circle Officer,



Karaghar for getting his purchased land measured in accordance with law on or before 03.07.2025.

11. In the event, if the petitioner files an application along with requisite measurement fee for getting his purchased land measured on or before 03.07.2025, in that event, the Circle Officer, Karaghar shall ensure that the measurement of the purchased land of the petitioner is done within a period of one month thereafter in accordance with law.

(Satyavrat Verma, J)

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