

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4440 of 2025

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Kalawati Devi Wife of Narsing Sah, Resident of Village, P.O. - Mathia Hardo,
P. S. Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Land and Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna,
3. The District Magistrate, Gopalganj.
4. The Circle Officer, Kuchaikote, Gopalganj.
5. Bhola Sah, Son of Late Ranglal Sah, Resident of Village- P.O. - Mathia Hardo, P. S.- Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Respondent/s : Mr. Md. Zeeshan Kalim, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2025 Heard learned counsel for the petitioner and learned
AC to SC-20 for the State.

2. Learned counsel for the petitioner submits that petitioner was allotted land pertaining to Khata No. 104, Khesra No. 420, Thana No. 715, area 0.01 decimal at village Mathia Hardo, District Gopalganj vide Case No. 18/2004-05 (Annexure-P/1), accordingly, Basgit Parcha was issued in favour of the petitioner. The respondent no. 5 filed revision case bearing Basgit Parcha Cancellation Revision Case No. 04/2017 in the court of the Collector, Gopalganj (respondent no. 3) but the same was dismissed by an order dated 24.06.2022



(Annexure-P/2) and thus Basgit Parcha issued in favour of the petitioner was confirmed. It is further submitted that petitioner has been paying rent of the land since then and has paid the rent till 2023-24 as would manifest from Annexure-3 to the writ application. It is next submitted that respondent no. 5 despite losing the aforesaid revenue case has forcibly took possession over the part of the land of the petitioner, accordingly, the petitioner represented before the respondent no. 3 and the Superintendent of Police, Gopalganj vide representation dated 15.10.2024 and the representation was sent through speed post on 16.10.2024 as would manifest from the postal receipt (Annexure-P/4) with a prayer to remove the forceful encroachment of the land by the respondent no. 5 but no action till date has been taken, hence, the instant writ application has been filed.

3. Learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the petitioner to seek his remedy in accordance with the provision of the BLDR Act, 2009 as it has been pleaded in the instant writ application that the land in dispute in the instant writ application was settled with the petitioner vide Case No. 18/2004-05 and thereafter Basgit Parcha was issued in her



favour. The Collector even dismissed the Basgit Purcha Cancellation Revision Case No. 04/2017 filed by the respondent no. 5 herein by an order dated 24.06.2022, as such, if the land was settled in favour of the petitioner through Basgit Purcha in that event petitioner is not remediless for seeking relief in terms of the BLDR Act, 2009.

4. Learned counsel appearing on behalf of the petitioner, at this stage, seeks permission to withdraw the writ application with liberty to avail her alternative remedy in accordance with law.

5. Permission is accorded.

6. Accordingly, the writ application is dismissed as withdrawn.

(Satyavrat Verma, J)

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