

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8998 of 2019

1. Mohan Lal Singh Son of Late Shiv Lal Singh Resident of Village-Kanhor, P.S.-Angarh, District-Purnea.
2. Bahadur Lal Singh Son of Julum Lal Singh Resident of Village-Kanhor, P.S.-Angarh, District-Purnea.
3. Julum Lal Singh @ Julum Singh Son of Late Shiv Lal Singh Resident of Village-Kanhor, P.S.-Angarh, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Purnea.
2. The Sub Divisional Officer, Baisi, Sub Division, District-Purnea
3. The Circle Officer, Baisa Circle, District-Purnea.
4. Mohd. Ilyas Son of Late Sarfuddin Resident of Village-of Khata Toli, P.S.-Angarh, District-Purnia.
5. Rahamatun Wife of Late Sarfuddin Resident of Village-of Khata Toli, P.S.-Angarh, District-Purnia.
6. Most. Dariban Wife of Late Abdul Gaffar Resident of Village-of Khata Toli, P.S.-Angarh, District-Purnia.
7. Md. Jahur Alam Son of Late Abdul Gaffar Resident of Village-of Khata Toli, P.S.-Angarh, District-Purnia.
8. Najmun Nisa D/o Late Abdul Gaffar Resident of Village-of Khata Toli, P.S.-Angarh, District-Purnia.
9. Mehrun Nisa D/o Late Abdul Gaffar Resident of Village-Kochgarh, P.S.-Routa, District-Purnea.
10. Jahida D/o Late Abdul Gaffar Resident of Village-Kochgarh, P.S.-Routa, District-Purnea.
11. Rohina D/o Late Abdul Gaffar Resident of Village-Fulwari, P.S.-Routa, District-Purnea.
12. Abdul Mokit Son of Late Bibi Guleja and Late Tekan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
13. Abdul Majid Son of Late Bibi Guleja and Late Tekan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
14. Naushad Alam Son of Late Bibi Guleja and Late Tekan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
15. Sakirum D/o Late Bibi Guleja and Late Tekan Resident of Village-Singhari, P.S.-Routa, District-Purnea.
16. Asfa Khatoon Son of Late Bibi Guleja and Late Tekan Resident of Village-Palan Koof, P.S.-Angarh, District-Purnea.
17. Shahnaj Son of Late Bibi Guleja and Late Tekan Resident of Village-Chandaili, P.S.-Angarh, District-Purnea.



18. Mohsina D/o Late Bibi Guleja and Late Tekan Resident of Village-Palasbari, P.S.-Rauta, District-Purnea.
19. Jahanara Son of Late Bibi Guleja and Late Tekan Resident of Village-Chandail, P.S.-Angarh, District-Purnea.
20. Rajia D/o Late Bibi Guleja and Late Tekan Resident of Village-Hafania, P.S.-Amour, District-Purnea.
21. Jahrul Alam Son of Late Inamul and grand son of Late Pakhu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
22. Mujammil Son of Late Inamul and grand son of Late Pakhu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
23. Ajmal Son of Late Inamul and grand son of Late Pakhu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
24. Noordana W/o Late Samsul Haque and D/o in law of Late Pakhu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
25. Md. Hasnain Son of Late Samsul Haque and S/o Late Pakhu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
26. Anwarul Son of Late Samsul Haque and S/o Late Pakhu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
27. Most. Hajra Khatoon W/o Late Md. Yunus and D/o in law of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
28. Md. Hasib Son of Late Md. Yunus and grand son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
29. Md. Habibur Rahman Son of Late Md. Yunus and grand son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
30. Md. Sohail Son of Late Md. Yunus and grand son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
31. Hasmera D/o Late Md. Yunus and Grand daughter of Late Jhari Bux Resident of Village-Baulan, P.S.-Rauta, District-Purnea.
32. Gul Chaman D/o Late Md. Yunus and grand daughter of Late Jhari Bux Not Address
33. Most. Badrun Nisa W/o Late Md. Idris and Daughter in law of Late Jhari Bux Not Address
34. Sah Jamal Son of Late Md. Idris and grand son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
35. Riaz Son of Late Md. Idris and grand son of Late Jhari Vux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
36. Md. Mahfooj Alam Son of Late Md. Idris and grand son of late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
37. Md. Jahangir Alam Son of Late Md. Idris and grand son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
38. Samina Khatoon D/o Late Md. Idris and grand daughter of Late Jhari Bux Resident of Village-Maheshbathna, P.S.-Rauta, District-Purnea.
39. Afsana Begum D/o Late Md. Idris and grand daughter of Late Jhari Bux



Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.

40. Rukhsana Begum D/o Late Md. Idris and grand daughter of Late Jhari Bux Resident of Village-Sirsi, P.S.-Rauta, District-Purnea.
41. Sabina Khatoon D/o Late Md. Idris and grand daughter of Late Jhari Bux Resident of Village-Sirsi, P.S.-Rauta, District-Purnea.
42. Md. Sahid Alam Son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
43. Md. Jahid Son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
44. Abdul Rajjak Son of Late Jhari Bux Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
45. Jahrun Nisa D/o Late Jharibux and Wife of Late Mujafarul Resident of Village-Chandail, P.S.-Angarh, District-Purnea.
46. Jainuddin grand son of Late Jharibux Resident of Village-Baulan, P.S.-Rauta, District-Purnea.
47. Wallahir Grand son of Late Jhari bux Resident of Village-Baulan, P.S.-Rauta, District-Purnea.
48. Mojibul Grand son of Late Jhari bux Resident of Village-Baulan, P.S.-Rauta, District-Purnea.
49. Sanjari Begum Grand daughter of Late Jhari Bux Resident of Village-Baulan, P.S.-Rauta, District-Purnea.
50. Akhtarun nisa Grand daughter of Late Jhari Bux Resident of Village-Baulan, P.S.-Rauta, District-Purnea.
51. Jalerun Nisa Grand daughter of Late Jharibux Resident of Village-Thithya, P.S.-Angarh, District-Purnea.
52. Mofijuddin Son of Late Mohd. Iqbal and late Kafulan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
53. Mohd. Ansari Son of Late Mohd. Iqbal and Late Kafulan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
54. Md. Kaisar Son of Late Mohd. Iqbal and Late Kafulan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
55. Mohd. Nauraj Son of Late Mohd. Iqbal and Late Kafulan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
56. Aftawi D/o Late Mohd. Iqbal and late Kafulan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
57. Md. Aiyub Son of Late Janetun and grand son of Late Kantu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
58. Md. Quiyum Son of Late Janetun and grand son Late Kantu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
59. Mustaque Son of Late Janetun and grand son of Late Kantu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
60. Md. Mukhtar Son of Late Janetun and grand son of Late Kantu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.



61. Bibi Jamila D/o Late Janetun and grand d/o Late Kantu Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.
62. Bibi Fatma D/o Late Janetun and grand D/o Late Kantu Resident of Village-Kamaldah Saharyara, P.S.-Rauta, District-Purnea.
63. Md. Shabbir Son of Late Balahir and grand Son of Late Janutan Not Address
64. Md. Nehal Son of Late Balahir and grand son of Late Janutan Resident of Village-Khata Toli, P.S.-Angarh, District-Purnea.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Respondent/s : Mr. Md.Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 31-07-2025

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for setting aside the order dated 07.12.2018 passed in BLT Case No. 144 of 2017, whereby and whereunder the order granting the status of Raiyati Right under Section 48(D), dated 27.01.2010, passed by the Circle Officer, Baisa in Original Case No. 13 of 2009-10, as well as the order dated 28.06.2012 passed in Appeal Case No. 05 of 2011-12, has been set aside without recalling the ex-parte order dated 04.08.2017, whereby the BLT Case No. 144 of 2017 was directed to proceed ex-parte.

3. Learned counsel for the petitioners submits that the BLT case was fixed ex-parte, and by virtue of I.A. No. 577



of 2018, the present petitioner appeared and filed a petition on 28.09.2018 for recall of the ex-parte order, however, without passing any order on the recall petition, the Court proceeded to treat the case as ex-parte.

4. Counsel further submits that the orders passed by the Circle Officer and in appeal were both in favour of the petitioners, by which the petitioner had acquired the status of Raiyat. However, the order passed by the BLT has been made in such a manner that the said status now stands extinguished.

5. Counsel further submits that the Circle Officer had categorically held that the grandfather of the petitioners was recorded as a *Sikmidar* in respect of the disputed land, and the petitioners, being his grandsons and legal heirs, have rights over the said land. They have been in continuous possession of the disputed land for the last 51 years. Considering this aspect, the Circle Officer decided the matter in favour of the petitioners and directed them to deposit 24 times the rent payable to the State, i.e., Rs. 168, as compensation. Thereafter, the petitioners acquired the status of *Raiyati*.

6. Counsel further submits that the private respondents, i.e., the alleged landlords, filed the appeal with delay, and therefore, the appeal was dismissed. It is also



submitted that before the BLT, the case was decided ex-parte against the petitioners, and despite the fact that the petitioners had filed an interlocutory application and made relevant pleadings, the ex-parte order was not set aside, and the case proceeded ex-parte. Hence, the petitioners have filed the present writ petition, seeking that the order passed by the BLT be set aside.

7. Learned counsel for the State, on the other hand, submits that the present dispute is admittedly under Section 48(D) of the Bihar Tenancy Act, 1885 (Act No. VIII of 1885). Counsel further submits that the matter was initially decided by the Circle Officer, Baisa, in Original Case No. 13 of 2009-10, vide order dated 27.01.2010. It is submitted that the said order was essentially an ex-parte order passed in favour of the *Sikmi Raiyat*, whereby he was declared to have acquired *Raiyati* rights over the land in question. Against this order, the landlords preferred an appeal in Appeal No. 05 of 2011-12, which was dismissed vide order dated 28.06.2012 on the ground of delay in filing the appeal. Thereafter, BLT Case No. 144 of 2017 was filed and was allowed vide order dated 07.12.2018, whereby the order dated 27.01.2010 passed by the Circle Officer, Baisa, in Original Case No. 13 of 2009-10, as well as the order dated



28.06.2012 passed in Appeal No. 05 of 2011-12, were set aside.

8. Counsel further submits that since the original orders, by which the status of the petitioners as *Sikmi* was converted to *Raiyati* rights, were passed entirely ex-parte, no opportunity was granted to the landlords to be heard.

9. After hearing the parties, it transpires to this Court that the Bihar Land Tribunal (BLT) observed that the records do not indicate how the *Sikmi Raiyat* was directly declared as a *Raiyat* without a switch-over in rights / acquiring the status of an *Occupancy Raiyat*.

10. This Court, upon going through the record, finds that the proceedings before the original forum, the appellate forum, and the BLT were all conducted ex-parte. Therefore, this Court is of the firm view that the matter ought to be decided in the presence of all parties. Non-interference with the BLT order will result in the matter being contested between the parties, and thereafter, it may be decided afresh under Section 48(C) / 48(D) of the Bihar Tenancy Act, 1885. Accordingly, this Court is not inclined to interfere with the impugned order.

11. Accordingly, the present writ petition stands dismissed.



12. It is directed that the petitioners shall file a fresh application / representation along with a copy of this order before the Circle Officer, Baisi, Purnea within 90 days from the date of production / receipt of this order.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	NA

