

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5307 of 2024

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1. Amrawati Tiwari @ Amravati Devi Widow of Late (Dr.) Rama Shankar Tiwari, Resident of Shivam Hospital, G.T. Road, Raj Colony, P.S.-Sasaram Model, Sasaram, Rohtas, Bihar-821115.
 2. Abhishek Tiwari, son of Late (Dr.) Rama Shankar Tiwari, Resident of Shivam Hospital, G.T. Road, Raj Colony, P.S.-Sasaram Model, Sasaram, Rohtas, Bihar-821115.
 3. Swapnil Son of Late (Dr.) Rama Shankar Tiwari, Resident of Shivam Hospital, G.T. Road, Raj Colony, P.S.-Sasaram Model, Sasaram, Rohtas, Bihar-821115.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Sasaram.
4. The Superintendent of Police, Sasaram.
5. The Sub-Divisional Officer, Sasaram.
6. The Circle Officer, Sasaram.
7. The Officer in Charge, PS-Sasaram Mufassil.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Shri Kamal Nayan Choubey, Sr. Advocate Shri Anand Ojha, Sr. Advocate Shri Ashok Kumar Karna, Advocate Shri Shashank Shekhar Dubey, Advocate Shri D. Pandey, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-01-2025 Heard Shri Kamal Nayan Choubey, learned Senior Counsel for the petitioners and learned SC-16 for the State.

2. Learned Senior Counsel for the petitioners submits that the instant writ application has been filed seeking a direction upon the Circle Officer, Sasaram to undertake the exercise of measurement and demarcation of the land bearing



Chak/Survey Plot No. 177/252 and 253 measuring 1.07 acres in exercise of statutory duty under Section 118(1) and (2) of the Bihar Tenancy Act read with Rule 23 of the Rules and further for a direction upon the Sub-Divisional Officer, Sasaram to protect the land in question from unauthorized attempted encroachment over the land of the petitioners by filling soil and attempting to forcibly create passage (*Rasta*) by violating the legal rights under Article 300(A) of the Constitution of India apart from other reliefs.

3. Learned Senior Counsel for the petitioners submits that the land as recorded aforesaid was purchased by the husband of the petitioner no. 1 and father of petitioner nos. 2 and 3 vide two registered sale deeds both dated 06.07.1991 after seeking permission of the Consolidation Officer. It is next submitted that after the land was purchased, the husband of the petitioner no. 1 filed Mutation Case No. 148 of 1993-94 for mutating the land in his name and, accordingly, Jamabandi No. 103 was created in the name of the husband of the petitioner no.1.

4. Learned Senior Counsel for the petitioners submits that since petitioner no. 1 is a widow and petitioner nos. 2 and 3 are Doctors and are having their own practice as such some



persons interested in the land were trying to encroach the land for creating Rasta but then the same was objected by the petitioners and, accordingly, they filed an application dated 23.03.2022 (Annexure-P/14 Series) requesting the Circle Officer to measure and demarcate the aforesaid land as recorded hereinabove in terms of Section 118(1) and (2) of the Bihar Tenancy Act read with Rule 23 of the Rules.

5. Learned Senior Counsel for the petitioners next submits that the Circle Officer was obliged to perform his statutory duty in terms of the BT Act but then for reasons best known the representation of the petitioners seeking measurement and demarcation of the land in question is not being taken up by the Circle Officer, Sasaram.

6. Learned Senior Counsel for the petitioners thus submits that since the Circle Officer has not performed his statutory duty as such the petitioners had to move before this Court, hence, one can well imagine the plight of the petitioners that for such trivial issues the High Court is being approached.

7. Learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a direction to the Circle Officer, Sasaram to measure and demarcate the land in question within a specified period of time.



It is further submitted that it may be a possibility that the representation filed by the petitioners dated 02.02.2024 may not be in the office of the Circle Office, Sasaram as such the petitioners be directed to file a fresh representation/petition before the Circle Officer, Sasaram for the relief claimed for in the instant writ petition.

8. Learned Senior Counsel for the petitioners submits that petitioners will file a fresh petition on or before 31.01.2025.

9. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Sasaram that if any petition is filed by the petitioners on or before 31.01.2025 seeking measurement and demarcation of the land in question as recorded hereinabove in that event the Circle Officer shall measure and demarcate the land of the petitioners in accordance with law within a period of two months thereafter.

(Satyavrat Verma, J)

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