

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6591 of 2025

Arvind Kumar S/o- Parmeshwar Singh, R/o- village - Jangaliya Tola, P.O. and
P.S. - Maner, Dist. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land and Revenue Deptt.
Govt. of Bihar, Patna.
2. The Principal Secretary, Land and Revenue Deptt., Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Sub-Registrar, Bihta, Patna.
5. The S.D.O. Danapur, Patna.
6. The D.C.L.R. Danapur, Patna.
7. The C.O. Maner, Patna.
8. The C.O. Danapur, Patna.
9. Sri Chandan Kumar, S/o - Sri Narayan Das, The C.O. Danapur, Patna.
10. Smt. Pooja Kumari, D/o - Not known, The C.O. Maner, Patna.
11. Sri Awadh Kumar, Revenue Karamchari, Maner Mauza, Maner - Patna.
12. Sri Dilip Chandravanshi, Head Clerk, Maner, Patna.
13. Sri Abhishek Kumar, Circle Amin, Maner, Patna.
14. Smt. Pratima Kumari, Circle Amin Maner, Patna.
15. Sri Vijay Singh, S/o Ram Narayan Singh, R/o Balupar Maner, P.O. and P.S. -
Maner, Patna.
16. Sri Vinay Singh, S/o Ram Narayan Singh, R/o Balupar Maner, P.O. and P.S. -
Maner, Patna.
17. Kumari Smriti Singh, D/o - Jai Prakash Singh, R/o- Balupar Maner, P.O. and
P.S.- Maner, Patna.
18. Sunil Kumar, S/o Bhola Ram, R/o - village - Old Panapur, P.S. - Akilpur
(Danapur), Dist. - Patna.
19. Smt. Neelam Devi, W/o Subodh Ram, R/o - village - Old Panapur, P.S. -
Akilpur (Danapur), Dist. - Patna.
20. Smt. Mandodri Devi, W/o Hridya Ram, R/o - village - Old Panapur, P.S. -
Akilpur (Danapur), Dist. - Patna.
21. Smt. Sushma Devi, W/o Santosh Ram, R/o - village - Old Panapur, P.S. -
Akilpur (Danapur), Dist. - Patna.
22. Smt. Sonapatiya Devi, W/o Anant Ram, R/o - village - Old Panapur, P.S. -
Akilpur (Danapur), Dist. - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Government Pleader (14)



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-09-2025 1. Heard the parties.

2. The petitioner by way of the present writ application has sought a direction upon the respondent 1st set to initiate appropriate proceedings as well as criminal case against the respondent 2nd set for indulging in acts of corruption.

3. It is alleged that respondent 2nd set fraudulently withdrew a substantial amount of public money to the tune of Rs. 36 lakh approx by executing false and forged documents in respect of the petitioner's land. The petitioner has further prayed for a direction to the respondent 1st set to recover the said amount from the respondent 2nd set. Additionally the petitioner has prayed for quashing of forged deeds as contained in Annexure – 7 Series which are void ab initio.

4. The brief facts giving rise to the present writ application are that khatiyani raiyat namely Sheodyal Ray executed a sale deed in favour of Mostt. Sahodar Kuer, D/o Ganpat Ray and W/o Ramchandra Ray for land measuring 03 bigha and in favour of Mostt. Phuljhari Kuer, D/o Bindeshwari Pandey and W/o Shahdeo Ray for land measuring 02 bigha. The said transactions were effected through Deed No. 1627 / 1912 dated 09.09.1912.



5. Learned counsel for the petitioner argued that the respondents 2nd set attempted to create false and forged documents and applied for mutation and parimarjan of the land of Nagendra Singh whose great grandmother Sahodar Kuer had purchased the said land in the year 1912 by way of sale deed dt: 09.09.1912 from the khatiyani raiyat and he is in possession of the same. It has further been submitted that Vinay Kumar Singh and Vijay Kumar Singh, both sons of late Ram Narayan Singh and Smriti Singh, D/o late Jai Prakash Singh applied for parimarjan of the land in their name despite having no title or interest or possession therein by filing Case No. 528 / 2023-24, 529 / 2023-24, 530 / 2023-24 which are pending before the Karamchari.

6. Learned counsel further submits that on 08.02.2024 the petitioner after due verification and examination of title and possession purchased the land situated at Mauja – Makhdumpur Maner Diyara, Thana No. 7, Khata No. 143 Plot No. 1877 admeasuring 01 bigha 10 katha i.e. 93.75 decimals through sale deed no. 1663 from Abhineet Kumar and Abhishek Kumar Singh both sons of Hariender Singh who was full brother of Nagender Singh.

7. Relying upon genealogical table issued by the Deputy



Speaker of the Maner Nagar Parishad, learned counsel submits that from perusal of the said genealogical table it is evident that the persons from whom the petitioner has purchased the land are descendants of Sahodara Devi @ Sahodar Kuer. He further submits that C.O. Danapur in collusion with C.O., Maner along with the C.I. and Karamchari of the respective block on one side and Vijay Singh, Vinay Singh and Smriti Singh on the other side executed false and forged sale deeds at Bihta Sub Registrar Officer, Bihar Patna in favour of five persons who have been arrayed as respondent 3rd set for a consideration amount of Rs. 7,20,000/- only each and by doing so they have misappropriated the government money amounting to Rs. 3600000/- and other charges amounting to Rs. 5250/- and respondent 2nd set has distributed the same between them.

8. I have heard learned counsel for the petitioner as well as the State.

9. From the submission made by learned counsel for the petitioner it appears that the petitioner is claiming ownership over the land in question on the basis of sale deed dated 08.02.2024 executed in his favour by Abhineet Kumar and Abhishek Kumar Singh, both sons of Harender Singh, who was the full brother of Nagendra Singh, whose great



grandmother Sahodara Devi @ Sahodar Kuer had purchased the said land in the year 1912 by sale deed dated 09.09.1912 from the khatiyani raiyat namely Sheodyal Rai. The petitioner's grievance is that respondent 2nd set attempted to create false and forged documents and applied for mutation and parimarjan of the petitioner's land in which they have no title or interest.

10. The petitioner further contended that in collusion with C.O., Danapur and C.O., Maner the respondent 2nd set executed false and forged sale deeds at Bihta Sub-Registrar Office, Bihta, Patna in favour of five persons i.e. respondent 3rd set for a consideration amount of Rs. 7,20,000/- each thereby misappropriating government money to the tune of Rs. 36,00,000 /- approx.

11. From this very limited set of facts it becomes evident that the petitioner is essentially raising a private dispute between himself and the respondent 2nd and respondent 3rd set in the garb of the present writ application which cannot be decided by this court under its writ jurisdiction as it involves disputed question of right, title and interest of the private parties.

12. The petitioner is also seeking declaration that sale deed executed by respondent 2nd set in favour of the respondent 3rd set as void ab initio. This relief cannot be granted under writ



jurisdiction.

13. In Roshina T versus Abdul Azeez K.T. reported in (2019) 2 SCC 329; the Hon'ble Supreme Court has held in paragraph no. 14 as follows:-

“14. It has been consistently held by this court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes for which remedies under the general law, civil or criminal are available. This court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be



exercised casually or lightly on mere asking by the litigant.”

14. In Shubhas Jain versus Rajeshwari Shivam reported in (2021) 20 SCC 454 the Hon’ble Supreme Court has held as follows:-

“It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable”.

15. Considering the aforesaid discussions on law and facts, this Court while exercising writ jurisdiction cannot set aside or cancel a registered sale deed the proper remedy for which lies before the competent civil court. Accordingly, this writ application is dismissed as not maintainable.

16. However, the petitioner shall be at liberty to pursue his remedy before competent court of civil jurisdiction.

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(Anil Kumar Sinha, J)

