

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6814 of 2025

Hirdaya Nanda Mishra S/o- Vidhyachan Mishra R/o of Village Karahi
Khurad, P.S.- Basantpur, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land and Revenue Department, Government of Bihar, Patna.
2. The Collector, District Siwan.
3. The Collector, Saran at Chhapra.
4. The Land Acquisition Officer, District Saran at Chhapra.
5. The Land Acquisition Officer, District Siwan.
6. The District Education Officer, Siwan.
7. The Circle Officer Basantpur Block, District Siwan.
8. The Head Master of High School Basantpur, District Siwan.
9. Ajay Prasad, S/o late Jai Mangal Prasad, R/o village Karhi Khurd, P.S.- Basantpur, District Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant
For the Respondent/s : Mr. Ramadhar Singh, GP 25

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-09-2025 1. Heard learned Counsel for the parties concerned.
2. The petitioner claims to be a villager. He has filed the present declaratory writ application, praying for a direction to the respondents 2 to 5 to hold an enquiry on the basis of Annexures 9 and 10, for the land of Khata No. 66, plot No. 225, situated at mouza Basantpur, Police Station Basantpur, in the district of Siwan, which was released from the acquisition and returned to the original raiyat or not, acquired in the Proceeding No. 06 of 1966-



67, Declaration No. 820, dated 25.05.1966 and published in the Gazette Part 2, dated 15.06.1966. It has further been prayed that if it is found that the land was not returned/released from the acquisition proceeding, then the respondent no. 2 be directed to take stringent action against respondent no. 7 for relying on the forged document and thereafter further direction be given to respondent no. 7 to remove the encroachment made by respondent no. 9 over the land in question.

3. Learned Counsel for the petitioner submits that the land in question was acquired for the purpose of construction of the school and other Government purposes and was published in the Gazette, dated 15.06.1966. The respondent no. 9 has encroached upon the subject land on the basis of forged claim that the land, in question, was released from acquisition by the State Government. Pursuant to the order of this Court, dated 28.02.2024, passed in CWJC No. 3383 of 2024, the Circle Officer decided the Encroachment Case No. 06 of 2022-23 and has arrived at the finding that the land of Khata Nos. 58, 66 and 47, Plot Nos. 226, 225, 223 and 222, of Thana No. 315, mouza Karhi has been released from acquisition and



there is no encroachment upon the land by respondent no. 9.

4. Learned Counsel further submits that the respondent no. 9 has obtained the order from the Circle Officer on the basis of forged and fabricated document, showing that the land was released from acquisition. The encroachment case was initiated on the basis of complaint filed by the petitioner. A representation was earlier filed by the petitioner before the District Magistrate, but no steps have been taken.
5. On the other hand, learned Counsel for the State submits that without challenging the impugned order before the Collector, the petitioner has filed the present writ application. The present writ application is not maintainable before this Court.
6. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.
7. By filing the present writ application, the petitioner is trying to settle the personal score with the respondent no. 9. The authorities of the State are not claiming the land to be the land of the State Government. In the opinion of the Court, the declaratory writ application of the nature



cannot be maintained a the behest of a private party, who is having no connection with the land in question. The Writ Court is not a forum to settle the personal dispute between two private parties.

- 8. Accordingly, I do not find any merit in this writ application.
- 9. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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