

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7341 of 2025

1. Sita Ram Sahani Son of Bhulan Sahani, Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
2. Vishwanath Das, Son of Sarayug Das, Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
3. Rina Devi, Wife of Nandu Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
4. Dharmshila Devi, Wife of Sundar Sahni Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
5. Jai Mangal Das, Son of Yogi Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
6. Lalita Devi, Wife of Shambhu Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
7. Urmila Devi, Wife of Lakshman Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
8. Sunari Devi, Wife of Bharat Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
9. Shobha Devi, Wife of Sewak Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
10. Ritu Devi, Wife of Dharmendra Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
11. Punam Devi, Wife of Indal Das Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).
12. Shivnath Shani @ Shivnath Sahni, Son of Suru Shani Resident of Tharbhitiya Tola Math, Tharbhitiya, Majhauria, District- East Champaran, Bihar, (845414).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The District Collector-cum-Magistrate, East Champaran, Motihari.
4. The Additional Collector-cum-Magistrate, East Champaran, Motihari.
5. The District Panchayati Raj Officer, East Champaran Motihari.
6. The Sub-Divisional Officer, Pakridayal, East Champaran.
7. The Deputy Collector Land Reforms, Pakridayal, East Champaran.
8. The Circle Officer, Pakridayal, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna, Adv. Mr. Prabhat Kumar Singh, Adv. Mr. Amarjeet, Adv.
For the Respondent/s	:	Mr. Government Pleader (5)



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2025 1. Heard learned counsel for the petitioners and learned AC to GP-5.

2. The learned counsel submits that the land in dispute pertains to khata no.130, khesra no.1307, Revenue Thana No.143, area 4 bigha 3 katha 5 dhur at village Tharbhitiya, District- East Champaran. It is submitted that the land was registered in the name of Palak Tiwari, the said Palak Tiwari sold the land in dispute to one Chandraman Tiwari, but Jamabandi continued in the name jof Palak Tiwari. It is next submitted that a Rent Suit No.144/1917 was initiated under section 105 of the B.T. Act against Palak Tiwari for fixation of rent of the land in dispute, in which, Palak Tiwari appeared and submitted his reply stating therein that he has already sold the land to Chandraman Tiwari, hence prayed to initiate the proceeding for fixation of rent of the land in dispute against Chandraman Tiwari as would manifest from the order sheet of Rent Suit No.144/1917 (Annexure-1).

3. It is next submitted that thereafter rent was fixed in the name of Chandraman Tiwari and jamabandi was also created in his name vide order dated 26.06.1918 passed by the Assistant Settlement Officer. It is next submitted that son of Chandraman



Tiwari namely Jagarnath Tiwari sold the land in dispute to various purchaser in between 1947 to 1956 as detailed at para-9 of the writ petition.

4. It is submitted that petitioner no.2, 5, 6, 7, 8, 9, 10 and 11 have acquired title and possession over the land through inheritance being legal heirs of Ganour Das, one of the purchaser from Jagarnath Tiwari while petitioner no.3 has acquired title being legal heir of Bigul Sahni, also one of the purchaser from Jagarnath Tiwari, further petitioner no.1, 11 and 12 have acquired title and possession being purchasers of land from those who had purchased the land from Jagarnath Tiwari.

5. It is further submitted that the mutation of the land has been done in favour of the petitioners except petitioner no.1, 3, 10 and 11 whose mutation case is pending. It is further submitted that petitioners have made their house over the land in dispute and are residing with their family but then the Circle Officer under the influence of the mukhiya issued notice dated 12.10.2022 (Annexure-4) asking the land holders to appear on 19.10.2022. It is submitted that the petitioners appeared and thereafter explained their case and the matter did not proceed but all of a sudden the Circle Officer issued general notice dated 27.01.2025 (Annexure-P/8), wherein it has been recorded that



the land has been earmarked for construction of an outdoor stadium. It is further submitted that the D.C.L.R. has recommended for cancellation of jamabandi standing in the name of petitioner no.2 and 12 only, but then the land earmarked for construction of outdoor stadium include the land of other petitioners also in whose name jamabandi is still in existence. It is next submitted that petitioner no.3, 5, 12 along with father of petitioner no.1 and husband of petitioner no.10 and 11 and others have filed Title Suit No.40/2023 in the Court of learned Civil Judge, Senior Division No.9, Motihari, East Champaran for declaring their title and confirming their possession over the land in dispute.

6. The learned counsel for the petitioners further submits that the manner in which the Circle Officer and the D.C.L.R. are acting, the day is not far when petitioners would be ousted from their land in an illegal manner.

7. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of by giving opportunity to petitioners to file a detailed representation before the Collector, East Champaran at Motihari for redressal of their grievance as raised in the writ application.

8. After hearing the learned counsel for the parties, the



writ application is disposed of with liberty to the petitioners to file a detailed representation before the Collector, East Champaran annexing all the relevant documents relating to the land establishing their title and possession over the same on or before 18.06.2025, in the event, if any representation is submitted before the Collector, East Champaran at Motihari on or before 18.06.2025, in that event, the Collector, East Champaran at Motihari shall consider and dispose of the same within a period of 4 months thereafter after giving opportunity of hearing to all concerned including the petitioners.

9. It is made clear that till the representation of the petitioners is not disposed of by the Collector, East Champaran at Motihari till then no coercive action shall be taken against the petitioners by the authority.

10. It is further made clear that if no representation is filed by the petitioners on or before 18.06.2025 before the Collector, East Champaran, Motihari in that event, the interim protection of no coercive action granted to the petitioners shall automatically get vacated.

(Satyavrat Verma, J)

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