

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8462 of 2025

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Dharmendra Kumar Mishra, S/o Late Kaushal Kishor Mishra @ Kaushlendra Mishra, R/o Village- Pator, Anchal- Hayaghat, P.S.- Pator, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna, Bihar.
2. The Principal Secretary, Department of Panchayati Raj, Patna, Bihar.
3. The Principal Secretary, Education Department, Patna, Bihar.
4. The Collector, Darbhanga, District Darbhanga.
5. The Survey Settlement Officer, Darbhanga, District Darbhanga.
6. The Block Development Officer, Hayaghat, District Darbhanga.
7. The Circle Officer, Hayaghat, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nazir Alam- Advocate Mr. Ashish Ranjan- Advocate
For the Respondent/s	:	Mr. Abbas Haider- Standing Counsel (6)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2025 1. Heard learned counsel for the petitioner and learned Standing Counsel-6 Mr. Abbas Haider assisted by Mr. Lokesh Kumar Singh for the State.

2. The learned counsel appearing on behalf of the petitioner submits that the land in dispute in the instant writ application appertains to Khata No.949, Khesra No.686, area 45 decimal, Thana No.581, Mauza-Pator, District- Darbhanga.

3. It is submitted that during the revisional survey, out of CS Plot No.1233 and 1234, three new khesras were created i.e. RS Plot No.685, area 08 decimal, RS Plot No.686, area 45 decimal and RS Plot Nos.683 and 684. It is next submitted that



during the revisional survey inadvertently, land in dispute in the instant writ application was recorded in the revenue records in the name of Shiksha Vibhag, Bihar Sarkar as would manifest from Annexure-5 to the writ application. It is submitted that the petitioner accordingly filed a case under Section 106 of the B. T. Act being Case No.833 of 2003 for removing the name of Shiksha Vibhag, Bihar Sarkar from the revenue records and to get the land recorded in his name. The Settlement Officer, Darbhanga by an order dated 01.08.2011 decided Case No.833 of 2003 in favour of the petitioner as would manifest from Annexure-P/6. It is further submitted that decree was not prepared in terms of the order dated 01.08.2011, nor rectification in the revenue records was made, but then, the decree in terms of Section 107 of the B. T. Act is not in the nature of a decree as incorporated in the Civil Procedure Code rather the order passed under Section 106 of the B. T. Act by the Revenue Officer/Settlement Officer has the force of a decree. It is also submitted that the B. T. Act does not contemplate issuance of a decree. It is next submitted that it would not be out of place to submit here that Jamabandi No.918/21 is created with respect to the plot in dispute including Plot Nos. 683 and 684. It is also submitted that Jamabandi till date is standing in



the name of the petitioner. It is next submitted that the land in dispute was selected for construction of Panchayat Sarkar Bhawan, as such, the petitioner had represented before the District Magistrate, Darbhanga in pursuance whereof, a report was called from the Circle Officer, Hayaghat, who submitted his report dated 27.03.2025 contained in letter no.236 (Annexure-P/10) and from perusal of the same, it would manifest that the same records that the land in dispute was selected for the purposes of Panchayat Sarkar Bhawan, further, Jamabandi is running in the name of the petitioner and petitioner is in possession of the same and does agricultural work over the land in dispute as was disclosed during the course of spot inspection by the villagers. Further, the letter also recorded that an order under Section 106 of the B. T. Act has been passed in favour of the petitioner, but then, decree and rectification is not available.

4. It is submitted that since the land in dispute was selected for the construction of Panchayat Sarkar Bhawan, as such, the petitioner had represented before the District Magistrate and the District Magistrate had sought a report from the Circle Officer and after the aforesaid report of the Circle Officer was received, the Collector instead of deciding the representation of the petitioner disposed of the same by his



order dated 29.03.2025 recording that the matter is pending adjudication before this Court when no case was pending for adjudication before this Court. It is submitted that after the Collector passed the order dated 29.03.2025 (Annexure-P/11) disposing of the representation of the petitioner by recording that case is pending before this Court, as such, the petitioner within one month thereafter filed the instant writ application. It is submitted that in sum and substance the writ application has been filed for a direction upon the authorities not to come on the raiyati land of the petitioner for the purposes of construction of Panchayat Sarkar Bhawan.

5. At this stage, the learned counsel appearing on behalf of the State submits that the writ application appears to be prematured for the reason that from perusal of Annexure-10 to the writ application, it manifests that the land has been selected for construction of Panchayat Sarkar Bhawan, but then, no construction on the land has started. It is thus submitted that final decision with regard to construction of Panchayat Sarkar Bhawan is yet to be taken as per averment made in the instant writ application.

6. The said submission of the learned State counsel is not disputed by the learned counsel appearing on behalf of the



petitioner, but then, it is submitted that since the land of the petitioner was selected for the purposes of construction of Panchayat Sarkar Bhawan, as such, the Collector ought to have decided the representation instead of disposing it on a wrong premise that writ application is pending adjudication before this Court on which the learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a liberty to the petitioner to file a detailed representation annexing all the relevant documents relating to the land seeking redressal of his grievance as raised in the instant writ application.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a detailed representation before the Collector, Darbhanga annexing all the relevant documents relating to the land seeking redressal of his grievance as raised in the instant writ application on or before 01.09.2025, in the event, if any application is filed by the petitioner on or before 01.09.2025, in that event, the Collector, Darbhanga shall consider and dispose of the same in accordance with law after giving proper opportunity of hearing to all concerned including the petitioner.

(Satyavrat Verma, J)

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