

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6650 of 2015**

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Jagan Baitha S/o Late Bhoju Baitha Resident of Village- Sheorajpur, P.O.-  
Khajuri, P.S. Block- Kuchaykote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Gopalganj, Dist.- Gopalganj
3. The Deputy Collector, Land Reforms, Gopalganj, Dist.- Gopalganj
4. The Circle Officer, Kuchaykote, Dist.- Gopalganj
5. Swaminath Yadav
6. Shambhu Yadav
7. Ramesh Yadav All are sons of Late Chandrabali Yadav null
8. Ramkishun Yadav S/o Late Saryug Yadav
9. Amar Bhagat
10. Somari Bhagat, Both are sons of Late Shiv Bhagat
11. Ramdeo Bhagat S/o Shiv Punjan Bhagat
12. Jyotish Bhagat S/o Late Faodi Bhagat
13. Dangal Bhagat S/o Late Ramsurat Bhagat
14. Dindayal Bhagat S/o Late Ramsurat Bhagat
15. Ashok Yadav S/o Late Kheni Yadav
16. Devratiya W/o Late Balkhila Yadav
17. Musmat Phulmati W/o Harkesh Yadav All are resident of Village-  
Shivrajpur, P.O.- Khajuri, P.S. Block- Kuchaykote, District- Gopalganj
18. The Secretary Bhoodan Yagna Committee, Gopalganj, District- Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate  
For the State : Mr. Vishwambhar Prasad, AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      02-12-2025                      Heard the parties.

2. The present petition has been preferred for the  
grant of following relief(s):

*“(i) for issuance of an appropriate*



*writ/order/direction including the writ in the nature of certiorari to quashing the entire proceeding of Miscellaneous case no. 7 of 2014 pending in the court of learned L.R.D.C., Gopalganj as well as notice dated 12.01.2015 as contained in annexure-1 issued by respondent no. 3 i.e. L.R.D.C., Gopalganj in Misc. Case No. 7 of 2014 by which petitioner has been directed to appear in the aforesaid case and filed his show cause as to why under section 22 of the Bhoodan Act order be passed to give the possession over the land mentioned in the notice to the applicants which is beyond his jurisdiction because respondent no. 2 i.e. the Collector Gopalganj has already heard the matter in Bhoodan dispossession Case No. 03 of 2014 filed by the petitioner with respect to the same land and vide his order dated 15.7.2014 he directed the respondent No. 4 i.e. the C.O. Kuchaikote to handover the physical possession to the petitioner over the land in question.*

*(ii) for issuance of an appropriate writ*



*/order / direction including the writ in the nature of mandamus to commanding / directing the respondent no. 4 i.e. the C.O. Kuchaikote, District-Gopalganj for giving peaceful possession after removing the illegal encroachment/possession of the respondents No. 5 to 17 over the land of petitioner pertaining to Khata No. 145, Khesra No. 98, Thana No. 775, Tauzi No. 3296, area one acre, situated at Village Shivrajpur, P:S. Kuchaikote, District Gopalganj, because the aforesaid land has been settled by the Bhoodan Yagya Committee, Gopalganj in favour of the petitioner on 16.04.2004 and after full verification and completing all legal lacunas the official respondents themselves earlier finding possession of the petitioner created Jamabandi in his name vide Jamabandi No. 494 in rent fixation Case No. 48/2006-07 / 07/2008-09 and since then he is regularly paying the rent to the State of Bihar with respect to the said land but respondents No. 5 to 17 illegally and forcefully*



*disposed him and snatched his right to cultivation.*

*(iii) for issuance of an appropriate writ /order / direction including the writ in the nature of Mandamus Commanding /directing the official respondents to protect the land of the petitioner as mentioned above from the anti social elements like respondent No. 5 to 17 and also restrained them to not disturb in peaceful cultivation over the land in question of the petitioner Since it is only source of his livelihood and he is a land less person.*

*(iv) for grant of other relief(s) for which the petitioner deemed entitled into the facts and circumstances of the case.”*

3. A counter affidavit has come on behalf of the respondent no. 2 to 4 after service of copy to the learned counsel for the petitioner on 24.07.2023.

4. Paragraph no. 6 and 7 of the aforesaid counter affidavit read as follows:

*“6. That it is submitted that the concerned respondent authority already*



*complied the order of the Collector, Gopalganj,  
vide case no.3/2014.*

*7. That it is stated that case no.7/2015  
has already been stopped due to the above  
CWJC filed by the petitioner.”*

5. Learned counsel for the petitioner submits that contrary to the said affidavit, actually for the present, he is not having possession for which, he shall be approaching the appropriate authority.

6. The State has no objection.

7. This Court is satisfied with the contents of the counter affidavit. However, since the petitioner wants to agitate the matter, granting liberty and without commenting on the merit of the case, the writ petition is disposed of.

**(Rajiv Roy, J)**

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