

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10903 of 2015

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Munshi Koiri

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 08-07-2025 Heard the parties.

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

“for issuance of writ of mandamus directing the respondents to release the land/pond of petitioner from the list of pond settlement.

ii. for issuance of writ to quash annexure 7 by which personal property of petitioner has been included in the list of pond for settlement at serial no. 31 and 32.

iii. for issuance of any other appropriate writ/writs, order/orders, direction/directions for which petitioner may deemed entitled under the fact and circumstances of the case.”



3. The matter relates to a plot having following details:

“Khata no. 224, Plot no. 524 (area 1 bigha 10 katha 5 dhur) situated in the village Nadiyao Narotan Tole in the district of Siwan.”

4. It is the claim of the petitioner that the said land was settled by ex-landlord, Ramchandra Prasad in favour of the petitioner's father whereafter the rent receipt was issued. This Court however has taken note of the fact that the rent receipt that has been brought on record is of the year 2012 with the name of the petitioner therein.

5. The grievance of the petitioner is that one Madan Singh (not made party respondent in the present writ petition) made a complaint before the Collector, Siwan regarding the land being 'Gairmajarua Malik' and the nature of land is 'Pokhar'. This led to an enquiry.

6. Subsequently, the Circle Officer, Raghunathpur vide letter no. 85 dated 28.01.2015 requested the District Fisheries Officer, Siwan to include the plots in the list of Sairat and as the petitioner plot was also there in the said list, aggrieved; the present writ petition.

7. Learned counsel for the petitioner submits that the



ex-landlord, Ramchandra Prasad settled the land in favour of his father and while submitting return in the year 1956, the name of his father came to be registered which followed grant of rent receipt in favour of his father/the petitioner himself. He submits that in that background, requesting the District Fisheries Officer, Siwan to include the plot in the list of 'Sairat' should be struck down.

8. Upon query of the Court on missing documents showing settlement of land in favour of his father, learned counsel for the petitioner harped on the rent receipt which has been issued in the year 2012 and the further report of the 'Anchal Amin' to show that the rent receipt was issued since year 1963.

9. Upon further query that why no rent receipts showing the name of the petitioner's father is not on record, there is no answer.

10. It is to be noted that contrary to the submissions made by the learned counsel for the petitioner that pursuant to the returns submitted by the ex-landlord, the rent receipts were issued to his father from 1956, no rent receipt showing the name of the father of the petitioner is on record. The petitioner is only harping on a rent receipt issued as late as in the year 2012.



11. A counter-affidavit has been filed on behalf of the Circle Officer, Raghunathpur, Siwan and learned State counsel has taken this Court to the paragraph nos. 5 to 7 which read as follows:

“5. That the petitioner wants release of the said land from the list of ponds by pleading that his father obtained settlement from the ex-land lord and his jamabandi is also existing in Register- II.

6. That it is relevant to mention that Khatiyani records the said land as gair majarua malik of the nature of Pokhar (pond).

7. That in the light of petitioner's claim viz-a-viz khatiyani nature of the land in question, the Circle Officer, Raghunathpur initiated Jamabandi Cancellation Record no. 05 of 2023-24 and vide letter no. dated 13.01.2024 has sent the same for inquiry to the Collector, Siwan i.e. Additional competent authority under Section 9 of Bihar Mutation Act.”

(emphasis added)

12. Learned State counsel submits that taking note of the fact that the land is recorded as *Gairmajarua Malik* and the



nature is pokhar (pond), the Circle Office, Raghunathpur has made recommendation for cancellation of the Jamabandi which has resulted into the initiation of **Jamabandi Cancellation Record No. 05 of 2023** and the same is presently pending before the Additional Collector, Siwan who is the competent authority under Section-9 of the Bihar Mutation Act to do the needful.

13. The submission is that after proper notice to the concerned including the petitioner and hearing all the parties, the matter shall be taken to its logical conclusion.

14. This court has gone through the facts of the case, the documents on record and the counter-affidavit filed on behalf of the State. The copy of the counter-affidavit was served upon the learned counsel for the petitioner on 08.02.2024; there is no rebuttal to the statements made in paragraphs 6 and 7.

15. The writ petition is bereft of any document to show that the ex-landlord, Ramchandra Prasad filed return in favour of the father of the petitioner in the year 1956. There is further no rent receipt showing the name of the petitioner's father save and except the bald statement. This Court has already noted that the only receipt if of the year 2012 in the name of the petitioner. On the other hand, the State



counter-affidavit shows that it is recorded as ‘*POKHAR*’ and ‘*Gairmajarua Malik*’ land.

16. The Circle Officer, Raghunathpur has made recommendation to the Additional Collector, Siwan for the cancellation of the jamabandi which has resulted into initiation of Jamabandi Cancellation Record no. 05 of 2023-24 presently pending before the Additional Collector.

17. The petitioner has all the opportunity to present his case/show bonafide before the Additional Collector, Siwan by presenting all the documents under his name so that the matter is taken to its logical conclusion.

18. So far as the writ petition is concerned, it is bereft of any merit and accordingly, stands dismissed.

(Rajiv Roy, J)

Adnan/-

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