

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9835 of 2025

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1. Basuki Nath Mishra Son of Late Sachida Nand Mishra, Resident of Village-Milki, P.S. Suryapura, District- Rohtas.
 2. Bajnath Mishra Son of Late Sachida Nand Mishra, Resident of Village-Milki, P.S. Suryapura, District- Rohtas.
 3. Ganesh Mishra Son of Late Sachida Nand Mishra, Resident of Village-Milki, P.S. Suryapura, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Panchayati Raj Department, Government of Bihar, Vikas Bhawan, Bailey Rd, Veerchand Patel Road Area, Patna, Bihar 800015.
2. The Secretary, Panchayati Raj Department, Government of Bihar, Vikas Bhawan, Bailey Rd, Veerchand Patel Road Area, Patna, Bihar 800015.
3. The Collector-cum-District Magistrate, Rohtas.
4. The D.C.L.R., Bikramganj, Rohtas.
5. The Sub Divisional Magistrate, Bikramganj, Rohtas.
6. The Circle Officer, Bikramganj, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vikas Kumar, Advocate Mrs. Aradhana Kumari, Advocate
For the Respondent/s	:	Mr. Pratik Sinha, AC to GA-5

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-08-2025 1. Heard learned counsel for the petitioners and the learned AC to GA-5.

2. The learned counsel for the petitioners submits that the father of the petitioners, namely, late Sachida Nand Mishra, had purchased the land in dispute from one Ayodhya Nath Pathak by a registered sale deed dated 12-12-1964 (Annexure-P/3). It is next submitted that the vendor of the petitioners in



total had land measuring 15.99 acres. It is further submitted that the SDM, Rohtas, on direction of the Collector, Rohtas, with respect to few portions of the total land of the vendor of the petitioners measuring 15.99 acres had settled the land in favor of few individuals against which the vendor of the petitioners filed Title Suit No. 59 of 1987/91 of 1990 in the court of learned Additional Munsif, Bikramganj, Sasaram, Rohtas, in which the State of Bihar through the Collector, Rohtas was arrayed as defendants.

3. It is submitted that the court of learned Additional Munsif, Bikramganj, Sasaram, allowed the aforesaid title suit by a judgement and decree dated 13-3-1991 (Annexure-P/5) and restrained the respondent through permanent injunction from interfering in peaceful possession of the land at Mauza-Hudaharabal, Thana No. 453, District- Rohtas. It is next submitted that though the State authorities were restrained by way of permanent injunction from interfering in the peaceful possession of the land of the vendor of the petitioners, but then on account of mistake committed by the survey staff in the registry office, the land was entered in the name of government of Bihar.

4. It is further submitted that the father of the



petitioners approached the Circle Officer, Bikaramganj, for fixation of rent and mutation of land in his name after the judgment and decree dated 13-1-1991 in Title Suit No. 59 of 1987/91 of 1990. It is submitted that no action was taken by the Circle Officer based on the application of the father of the petitioner, as such the petitioners moved before this Court by filing CWJC No. 3305 of 1999 and the same was dismissed as withdrawn with liberty to the petitioners to file a fresh petition before the Circle Officer for mutating their names. It is next submitted in pursuance of the order of this Court dated 25-8-1999 in CWJC No. 3305 of 1999 (Annexure-P/1), the petitioners made an application before the Circle Officer for rent fixation and mutation of land in their name, accordingly Rent Fixation Case No. 4 of 2012-13 was initiated and the Circle Officer directed the *Karamchari* to make a detailed inquiry, in pursuance whereof, an inquiry was made and a report was submitted to the Circle Officer and the Circle Officer, thereafter in accordance with law, made a recommendation to the DCLR, Bikramganj, Rohtas for mutation of land and fixation of rent in the name of the petitioners by recommendation dated 19-2-2013 (Annexure-P/8), but the DCLR, Bikramganj, by his order dated 26-6-2013 (Annexure-P/9) returned the file to the Circle Officer



directing him to inspect the site himself and thereafter to send the report with clear cut recommendation, in pursuance whereof the Circle Officer personally inspected the site and sent a recommendation dated 20-8-2013 (Annexure-P/10) to the DCLR, wherein it was recorded that after inquiry it was found that the nature of the land is *parti* (barren) and there is a judgment and decree in Title Suit No. 59 of 1987/91 of 1990 in favor of late Ayodhya Nath Pathak, who is vendor of the father of the petitioners and petitioners are in possession of the land.

5. It is submitted that the DCLR, despite such positive recommendation, rejected the application seeking fixation of rent and mutation of land in the name of the petitioners by an order dated 10-9-2013 on the ground that in the revenue records the land is recorded in the name of State of Bihar. It is next submitted that the DCLR had directed the Circle Officer to file an appeal against the judgement and decree in Title Suit No. 59 of 1987/91 of 1990 and also to take steps for seeking cancellation of the sale deed executed by late Ayodhya Nath Pathak in favour of the father of the petitioners. It is further submitted that no appeal against the judgement and decree passed in Title Suit No. 59 of 1987/91 of 1990 has been filed till date nor any steps were taken for cancelling the sale deed and



the petitioners continued in possession of the land in dispute purchased by their father. It is submitted that a court of competent civil jurisdiction in Title Suit No. 59 of 1987/91 of 1990 allowed the title suit and declared that the order of settlement dated 5-6-1982 passed by the SDM, Sasaram, in Case No. 25 of 1982-83 is illegal, void and without jurisdiction and not binding on the plaintiff and the defendants were restrained through permanent injunction from interfering in any way in peaceful possession of the plaintiff over Scheduled-C land situated at Mauza- Hudaharabal, Thana No. 453 Bikramganj, District-Rohtas.

6. The learned counsel appearing on behalf of the petitioners next submits that from perusal of the judgment and decree dated 13-3-1991 in Title Suit No. 59 of 1987/91 of 1990, it would manifest that the learned Additional Munsif, Bikramganj at Sasaram, in his findings has clearly recorded that – *"as discussed in point no. 1, it has been held that plaintiff has got right, title, interest and possession over the disputed property and the same never vested in the State of Bihar, hence defendant No. 1 has got no title and possession over the disputed property and no settlement can be made with other persons on behalf of defendant No. 1 regarding the property of*



plaintiff in suit."

7. It is thus submitted that when a court of competent civil jurisdiction after hearing the learned counsel for the parties including the State, came to a considered conclusion that vendor of the petitioners had right, title and possession over the land in dispute and as such no settlement could have been made and thereafter the authorities were permanently restrained from interfering in the peaceful possession of the plaintiff (i.e., vendor of the father of the petitioners), whether the authorities can sit over the judgement in garb of mistake committed by the officials of State in recording in revenue record that the land is in the name of State of Bihar moreso when no appeal till date has been preferred by any of the authorities of the State against the judgement and decree in the aforesaid title suit.

8. It is next submitted that the instant writ application has been filed for a direction upon the authorities to stop the construction of playground, which is being made by the authorities on the purchased land of the father of the petitioners, which was subject matter of Title Suit No. 59 of 1987/91 of 1990, in which a court of competent civil jurisdiction declared the right, title, possession of the vendor of the father of the petitioners. It is submitted that petitioners accordingly filed a



representation dated 24-4-2025 (Annexure-P/14) before the Collector, Rohtas, for stopping the construction of the playground on the purchased land of the father of the petitioners, but then no action till date has been taken.

9. The learned counsel appearing on behalf of the State, Shri Pratik Sinha, submits that the writ application can be disposed of with a direction to the Collector, Rohtas, to consider and dispose of the representation of the petitioners dated 24-4-2025, but then submits that it might be a possibility that the representation of the petitioners in the office of the Collector may not be located, as such the petitioners be given liberty to file a fresh representation annexing all the relevant documents relating to the land in dispute in the instant writ application seeking redressal of their grievance as raised in the writ application, on which the learned counsel appearing on behalf of the petitioners submits that a fresh representation with all the relevant documents shall be filed by the petitioners on or before 25-8-2025.

10. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioners to file a fresh representation annexing all the relevant documents relating to the land in dispute in the instant writ



application for seeking redressal of their grievance as raised in the instant writ application before the Collector, Rohtas, on or before 25-8-2025, in the event if any application is filed by the petitioners before the Collector, Rohtas, on or before 25-8-2025, in that event the Collector, Rohtas, shall consider and dispose of the representation within a period of two months thereafter, in accordance with law after giving proper opportunity of hearing to the petitioners.

11. It is made clear that the construction of the playground on the land in dispute shall remain stayed until the representation of the petitioners is decided by the Collector Rohtas.

12. It is further made clear that if no representation is filed by the petitioners on or before 25-8-2025, in that event the Collector shall not be obliged to consider and dispose of the representation within the time frame as recorded herein above, and the order of stay shall automatically lose its force, but if any application is filed by the petitioners on or before 25-8-2025, in that event the Collector shall dispose of the representation of the petitioners within a period of two months in accordance with law.

13. The learned counsel appearing on behalf of the



State is directed to communicate the order to the Collector,
Rohtas.

(Satyavrat Verma, J)

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