

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10122 of 2025

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Lal Babu Rai @ Lal Babu Ray, Son of Late Ram Swarath Rai, Resident of
Village- Shahbajpur, Salem, B. Factory, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Commissioner, Tirhut Range, Muzaffarpur.
2. The Commissioner, Tirhut Range, Muzaffarpur.
3. The Collector, Muzaffarpur.
4. The DCLR (East) Muzaffarpur
5. The Superintendent of Police, Muzaffarpur.
6. The SHO, Ahiyapur, Muzaffarpur.
7. Seema W/o Vinay Shankar, Resident of Village Sarchiya, P.S. Aurai, District Muzaffarur.
8. Smt. Kalpana Kumari, W/o Sri Jai Kishore Singh, Resident of Village- Gaighat, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukund Mohan Jha, Advocate
For the Respondent/s	:	Mr. K.P. Gupta, GP-10
		Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-06-2025 Heard Mr. Mukund Mohan Jha, learned counsel for

the petitioner and Mr. Satya Vrat, AC to GP-10.

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

“i. For issuance of an appropriate writ in the nature of Mandamus to stop the forceful construction is being made by private respondent upon the purchased land of the petitioner i.e., khata no. 23 khesra no. 67 measuring area 89 decimal, thana no.



*676 mauza Raghapur, Block Mushahri,
District – Muzaffarpur.*

ii. For issuance of an appropriate writ in the nature of certiorari to quash the order dated 13.03.2025 passed in BLDR Appeal No. 363/2025 by the Commissioner, Tirhut Division, Muzaffarpur.

iii. For issuance of an appropriate writ in the nature of mandamus to not disturb the possession from the land in question till the order passed by the competent court of law.

iv. For issuance of an appropriate writ in the nature of mandamus against the police official who is in contumace of the private respondent and instead of complying the order passed by the Court and also he is not taking any heed of his complaint that this is civil issue and title may be decided by only from the competent court of law.

v. For any other relief/reliefs for which the petitioners are entitled to.”

3. Learned counsel for the petitioner submits that admittedly, total area of the land in question (khesra no. 67) is 01 Acre and 67 decimal. He owns 89.5 decimal while the respondent nos. 7 and 8 are having 20.6 decimal.

4. The Commissioner, Tirhut Division, Muzaffarpur in



BLDR Appeal No. 363 of 2003 in Seema Kumari and Anr. Vs. Lal Babu Rai and Ors. after recording that khesra no. 67 is large enough to accommodate both the appellant (herein respondent) as also the opposite parties (herein petitioner) and in that background setting aside the order passed by the Revenue Authorities, direction was given for fresh measurement of land this order was passed on 13.03.2025.

5. Learned counsel for the petitioner submits that in the garb of the said order, though no measurement has taken place, as per his information, the opposite parties are trying to usurp the land of the petitioner by making a construction.

6. A positive order has been passed by the Commissioner, Tirhut Division, Muzaffarpur for measurement of the land so that both petitioner as also the respondent nos. 7 and 8 take possession of their respective land. The Commissioner, Tirhut Division, Muzaffarpur is duty bound to not only to pass the order in question, to further take the matter to its logical conclusion to see to it that the order passed by him/her stands complied.

7. Both the petitioner as also the respondent nos. 7 and 8 are duty bound to submit required measurement fee, whereafter the Revenue Authorities are further duty bound to fix



a date, inform all the necessary parties and on the date in question, the presence of both the parties, the land is measured so that neither the petitioner nor the respondent nos. 7 and 8 are dissatisfied.

8. The entire process has to be completed, if still not undertaken within a period of six weeks from today after putting all the concerned parties on notice. Till the measurement of the land takes place, status quo as existing shall be maintained.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

Ankit Kumar/-

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