

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11222 of 2025

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1. Kanahiya Kumar Jha @ Kanahiya Jha @ Jha Kanhaiya S/o - Krishna Kant Jha, Resident of Village- Belauna, P.O.- Belauna, P.S.- Bahera, District- Darbhanga, Bihar - 847201.
 2. Gopal Kumar Jha, S/o- Krishnakant Jha, Resident of Village- Belauna, P.O.- Belauna, P.S.- Bahera, District- Darbhanga, Bihar - 847201.
 3. Manjula Devi, W/o Krishnakant Jha, Resident of Village- Belauna, P.O.- Belauna, P.S.- Bahera, District- Darbhanga, Bihar - 847201.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Darbhanga, Bihar.
3. The DCLR, Darbhanga, Bihar.
4. Sub-Divisional Police Officer, Benipur, Darbhanga, Bihar.
5. The Circle Officer, Benipur, Darbhanga, Bihar.
6. The SHO, P.S. - Bahera, Darbhanga, Bihar.
7. Triveni Kant Jha, S/o - Sashi Nath Jha, Resident of village- Belauna, P.O.- Belauna, P.S.- Bahera, District- Darbhanga, Bihar - 847201.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh, Adv.
For the Respondent/s : Mr.Government Pleader (02)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-07-2025

In the instant writ petition, petitioners have prayed for



the following relief (s) :-

“(A) A writ in the nature of Certiorari or any other appropriate writ/s, letter/s direction/s quashing the following:

i. The letter no. 632 dated 03.05.2024 issued by the Circle Officer, Benipur, Darbhanga (Respondent No.5)

(B) A writ in the nature of mandamus or any other appropriate writ/s, letter/s direction/s for the following reliefs:

(i) To stay the operation of letter no. 632 dated 03.05.2024 issued by the Circle Officer, Benipur, Darbhanga (Respondent No.5) till disposal of the instant case.

(ii) To direct the Respondent Authorities to allow the Petitioners to construct their house on the self-acquired property pertaining to the land situated at Mauja- Ramauli, Thana No. 160, Anchal- Benipur, Old Khata No. 110, New Khata No. 290 and 487, Old Khesra No. 2168, New Khesra No. 4361 admeasuring area 2 Katha 2 Dhur and New Khesra No. 4362 admeasuring area 8 Dhur 9 Kanma.

(C) To any other relief/s to which the petitioners are found entitled to.”

2. Learned counsel for the petitioners submits that petitioner nos. 1 & 2 jointly purchased the land situated at



Mauja Ramauli, Thana No. 160, Anchal Benipur appertainig to Old Khata No. 110, New Khata No. 487, Old Khesra No. 2168, New Khesra No. 4362 ad measuring an area of 8 Dhur and 9 Kanma vide sale deeds dated 07.12.1998, 28.12.1998 and 30.04.2001 and petitioner no. 3 purchased the land situated at Mauja Ramauli, Thana No. 160, Anchal Benipur appertainig to Old Khata No. 110, New Khata No. 290, Old Khesra No. 2168, New Khesra No. 4361 ad-measuring an area of 1 Katha & 1 Dhur vide sale deed dated 28.10.2016. Learned counsel submits that the letter issued by the Circle Officer, Benipur dated 03.05.2024, as contained in Annexure-P/10, addressed to the S.H.O., Bahera denotes that as the other party (respondent no. 7) has pointed out that in respect of the land appertaining to Thana No. 160, Khesra Nos. 4361 and 4362, Title Suit No. 42 of 2016 is pending, and hence, status quo should be maintained in respect of the land in question. Learned counsel submits that petitioners are not party to the aforesaid Title Suit No. 42 of 2016 and Santosh Kumar Jha, the plaintiff of the said title suit, by virtue of affidavit, as contained in Annexure-P/11, declared that he has not impleaded the petitioners as party to the said title suit and he has no title or possession over the lands of the petitioners. Learned counsel has fairly submitted that against the



aforesaid letter dated 03.05.2024 of the Circle Officer, Benipur petitioners have neither represented before the Circle Officer, Benipur nor before any other competent authority with regard to his grievance against the direction for maintaining status quo.

3. Learned counsel for the State submits that if petitioner is aggrieved by the letter issued by the Circle Officer, Benipur in connection with boundary dispute, petitioners have to approach the competent authority under the Bihar Land Disputes Resolution Act and Deputy Collector Land Reforms is the competent authority under the B.L.D.R. Act. Learned counsel submits that petitioners without exhausting the remedy available under the statute, have directly rushed to this Court, and as such, the present writ petition is not maintainable and fit to be dismissed. He, however, submits that in case petitioners file fresh representation before the competent authority, the same shall be looked into.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioners to approach the competent authority for redressal of their grievance, which has been raised by the petitioners in the present writ petition, within a period of six weeks from the date



of receipt of a copy of this order. If such representation is filed within the stipulated period, the concerned authority is hereby directed to consider and dispose of the grievance of the petitioner after giving due opportunity of hearing to the parties concerned expeditiously within a reasonable period of time.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2025
Transmission Date	N/A

