

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15874 of 2021

1. Shambhu Yadav Son of Late Raghu Yadav, Resident of Village Bardag, Police Station- Mohanpur, District - Gaya, Bihar.
2. Kunal Yadav Son of Late Raghu Yadav, Resident of Village Bardag, Police Station- Mohanpur, District - Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar, Patna.
2. The Home Secretary, State of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Collector Cum District Magistrate, Gaya.
5. The Additional Collector Cum District Magistrate, Gaya.
6. The Land Reforms Deputy Collector, Gaya.
7. The Sub Divisional Officer, Sherghati, District - Gaya.
8. The Circle Officer, Mohanpur Block, District - Gaya.
9. The Block Development Officer, Mohanpur Block, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad (SC-8)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-09-2025 The present writ application has been filed under Article 226 of the Constitution of India by the petitioners seeking following relief(s):

[1] For issuance of writ(s), order(s), direction(s) in the nature of Mandamus or any appropriate writ to Circle Officer, Mohanpur (respondent no. 8) to collect rent and provide rent receipts in token thereof to the petitioners following necessary formalities of recalling original demand register from the civil Court Gaya which is



lying there in connection with Title suit No. (20/2005)/(38/2005).

[ii] For issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction directing respondent no. 4 to cancel Parwana issued in favour of opposite parties of Parwana cancellation Case No. 09/2016 or in alternative decide the Parwana Cancellation case no. 09/2016 at the earliest within three months from receipt of the Order.

[III] For issuance of any other relief or reliefs that your lordships deems fit and proper to which the petitioner is entitled thereto in the facts and circumstances of this case.

2. The respondent nos. 4 to 9 have filed their counter affidavit in this matter and the main pleas taken by them are that the land in question belong to the State of Bihar as the same was recorded in the R.S Khatiyani in the name of the State of Bihar and the said land has been settled by issuance of Bandobasti parcha in favour of the other persons and further, a Title Appeal No. 5/2023 filed by the State of Bihar is also pending.

3. In view of the relief no. (i) as sought for by the petitioners, there is a specific remedy under the Bihar Tenancy Act, 1885 and so far as the relief no. (ii) is concerned, Parwana Cancellation Case No. 09/2016 is still pending, so, it would not



be proper for this Court to interfere in the said case by exercising the writ jurisdiction.

4. Accordingly, the instant writ petition stands disposed of with giving direction to the Collector-cum-District Magistrate, Gaya, to expedite and dispose of the petitioners' Parwana Cancellation Case No. 09/2016 at the earliest preferably within six months from the date of receipt or production of this order's copy.

(Shailendra Singh, J)

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