

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10511 of 2025

Vikash Kumar Singh Son of Bajrangi Singh, Resident of Village and Post Office- Gorasara, Police Station- Nuaon, District- Kaimur (Bhabua). At present resides at Nagar Panchayat, Ward No. 16, Mohania, Police Station- Mohania, District- Kaimur (Bhabua).

... .. Petitioner

Versus

1. The State of Bihar through Collector-cum-District Magistrate, District- Kaimur at Bhabua.
2. The Collector-cum-District Magistrate, District- Kaimur at Bhabua.
3. The Sub-Divisional Officer, Mohania, District- Kaimur at Bhabua.
4. The Deputy Collector Land Reforms, District- Kaimur at Bhabua.
5. The Circle Officer, Mohania, District- Kaimur at Bhabua.
6. Rita Devi Wife of Late Deleep Kumar, Resident of Village- Sasaram, Mohalla- Sonar Toly Jany Bajar, Near Gurudwara, Police Station- Nagar Thana Sasaram, District- Rohtas (Sasaram).

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.

For the Respondent/s : Mr. Government Pleader (27)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 07-07-2025

Heard the parties.

2. In the instant petition, petitioner has prayed for
the following reliefs:-

*(i) For direction to the
respondent no. 5 (Circle Officer, Mohania) for
stop the Land Measurement Abhilekha No. 312 of
2024-2025 issued under the signature of Circle
Officer, Mohania on Khata No. 63, Plot No. 517,*



Area 0.3 decimal situated at Mohania Nagar Panchayat, Ward No. 16 District Kaimur (Bhabua) dated 08.04.2025 and this regard without consider the representation dated 09.04.2025 the land Measurement Abhilekha No. 312 of 2024-2025 have been initiated.

(ii) For issuance of writ or writs in the nature of Mandamus directing the respondent no. 2 (District Magistrate, Kaimur) for holding an enquiry regarding the Land Measurement Abhilekha No. 312 of 2024-2025 and in this regard representation filed by the petitioner stated that two title suit is pending over the disputed land and injunction have been allowed by the court below, but the Anchala Adhikari out of way utilise the power beyond the court order and on this ground the Collector take the enquiry under Prapatra (K).

(iii) To pass such other relief/ reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that petitioner has made representation before the Circle Officer, Mohania that civil suit is pending before the civil court in respect of land in question and injunction is going on, then, in that circumstance, the Circle Officer should not initiate measurement work but the Circle Officer, Mohania is not paying heed in the matter and hence, he has preferred the present writ petition.

4. Learned counsel for the State has submitted that under the statutory provision of Bihar Tenancy Act the Circle Officer can make measurement over the land in question.



Learned counsel for the State further submits that if a civil suit is pending between the parties with regard to land in question, no parallel proceeding is allowed to continue.

5. In view of aforesaid facts and circumstances, it is admitted position that title suit is pending between the parties before the competent Court. It is well settled that once a title suit is pending with regard to the land, no Court has jurisdiction to adjudicate the matter. In this context, the decision of the Hon'ble Supreme Court in the case of ***Sohan Lal Vs. Union of India & Anr.*** reported in ***AIR 1957 SC 529*** and in the case of ***Radhey Shyam & Anr. Vs. Chhabi Nath and Ors***, reported in ***(2015) SCC 423*** are quite relevant.

6. In the case of ***Sohan Lal (supra)***, Hon'ble Supreme Court has observed as under :

“We do not propose to enquire into the merits of the rival claims of title to the property in dispute set up by the appellant and Jagan Nath. If we were to do so, we would be entering into a field of investigation which is more appropriate for a Civil Court in a properly constituted suit to do rather than for a Court exercising the prerogative of issuing writs. These are questions of fact and law which are in dispute requiring determination before the respective claims of the parties to this appeal can be decided. Before the property in dispute can be restored to Jagan Nath it will be necessary to declare that he had title in that property and was entitled to recover possession of it. This would in effect amount to passing a decree in his favour. In the circumstances



to be mentioned hereafter, it is a matter for serious consideration whether in proceedings under Art. 226 of the Constitution such a declaration ought to be made and restoration of the property to Jagan Nath be ordered.”

7. In the case of **Radhey Shyam (supra)**, Hon’ble Supreme Court in paragraphs 64 and 65 has observed as under :

“64. However, this Court unfortunately discerns that of late there is growing trend amongst several High Courts to entertain writ petition in cases of pure property disputes. Disputes relating to partition suits, matters relating to execution of a decree, in case of dispute between landlord and tenant and also in a case of money decree and in various other cases where disputed question of property are involved, writ courts are entertaining such disputes. In some cases the High Courts, in a routine manner, entertain petitions under Article 227 over such disputes and such petitions are treated as writ petitions.

65. We would like to make it clear that in view of the law referred to above in cases of property rights and in disputes between private individuals writ court should not interfere unless there is any infraction of statute or it can be shown that a private individual is acting in collusion with a statutory authority.”

8. In the light of the discussions made above, the said aspect cannot be decided in writ jurisdiction and the appropriate remedy, in the facts and circumstances of the case, is before the Civil Court. Accordingly, the present writ petition stands disposed of. However, if petitioner has any grievance



with respect to land in question, he may approach the appropriate forum for redressal of his grievance.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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