

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11690 of 2022

Janardan Pandey Son of Kamla Pandey Resident of Village- Khanani Khurd,
P.S.- Agiaon Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land Reform and Revenue Department, Government of Bihar, Patna.
2. The Collector-Cum-D.M. Bhojpur at Ara.
3. The S.D.O. Piro.
4. The Circle Officer, Piro.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-12-2025 The instant writ petition has been filed by the

petitioner under Article 226 of the Constitution of India seeking

the following relief(s):-

*“ (1) For issuance of appropriate writ/ writs,
order/orders, direction/ directions upon respondents
specially the respondent no. 2 to ensure the measurement
and possession of petitioner on his inherent land after
matching the old map/Khatiyan and new map the land
which is situated in Mauja Khanani Khurd Old Khata no.
23 Plot no. 518 area 2 decimal Thana no. 37 new Khata
no. 10 Khesra no. 720/995 area 2 decimal in the name of*



Father of petitioner which is not located by Anchal Amin after several attempts.

(II) For issuance of necessary writ or order or direction upon the respondent to carry out the measurement of petitioners land located in aforesaid location by old/ new map.

(III) For grant of any other relief or reliefs which may be deemed necessary and fitness to facts and circumstances of this case by this Hon'ble High Court."

2. Mr. Ravi Shankar Pathak, learned counsel appearing for the petitioner and Mr. Rishi Raj Sinha, learned SC-19 for the State-respondents are present and they are heard.

3. The main grievance raised by the petitioner in this writ petition is that the land in question, which is claimed as petitioner's ancestral land, has not been measured despite filing of his application to the Circle Officer, Piro. The petitioner's request for measurement is not being considered by the Circle Officer, Piro, despite the required fee for measurement having been deposited by him and in this regard, sufficient documents, including the copy of the application as well as the fee payment receipt, have been filed with this petition. It is submitted by the petitioner's counsel that the land in question is an ancestral land of the petitioner and remained in the peaceful possession of the



petitioner up to the year 2019, but, in the year 2020, a co-villager of the petitioner started making his claim, showing the land in question as having been mutated in his name. Thereafter, the petitioner filed an application before the Circle Officer, Piro, for measurement of his land by the Anchal Amin. Thereafter, the Anchal Amin came to the spot and attempted to measure the petitioner's land but showed his inability to measure with saying that the land was not traceable in the new survey map. Then he advised the petitioner to file a fresh application before the Circle Officer, Piro, for measuring his land with the help of the old survey map. Accordingly, the petitioner again filed an application before the Circle Officer, Piro, for measurement of his land with the help of the old survey map but till date, no action has been taken by the Circle Officer, Piro, to redress the petitioner's grievance.

4. I have heard both the sides and perused the relevant materials. Though, as per the provisions of Section 118(2) of the Bihar Tenancy Act, the Circle Officer cannot pass any order regarding title in respect of the land in question, but since the petitioner has already deposited the required Amin fee for measurement, which is a subsequent stage supposedly undertaken only after the Circle Officer had examined and



satisfied himself regarding the petitioner's right and title so the Circle Officer should not have kept the application pending after such deposition, as it reflects that the stage of satisfaction had already reached and the Circle Officer ought to have proceeded further instead of keeping the matter pending. However, the Circle Officer, Piro will have a liberty to re-examine the relevant documents concerning to the title and right of the petitioner in the light of the claim of the co-villager of the petitioner who is also claiming his right and title over the land in question.

5. Hence, the Circle Officer, Piro, Respondent No.4, is directed to decide the petitioner's application (Annexure-3) within four weeks from the date of communication of this order according to the provisions of Bihar Tenancy Act, 1885.

6. The petitioner will have a liberty to challenge the order under the provisions of Section 118(3) of the Bihar Tenancy Act, if he is not satisfied with the said order which is to be passed by the Circle Officer.

7. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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