

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6049 of 2015

Binu Kumar Tiwary S/o Muktinath Tiwary, Resident of Village- Ranipur,
P.O.- Bhorey, P.S.- Vijayeeपुर, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Collector, Gopalganj.
3. Land Reforms Deputy Collector, Hathua Gopalganj.
4. Sub Divisional Officer, Hathua Gopalganj.
5. Circle Officer, Bhorey, Gopalganj.
6. Bihar Bhoodan Yagna Committee, Patna through its Secretary.
7. Secretary, Bihar Bhoodan Yagna Committee, Patna.
8. Manager, District Bihar Yagna Office, Gopalganj.
9. Smt. Kaniza Fatma Wife of Md. Shahbuddin, Resident of Village-
Chakrawan Khas, P.S.- Bhorey, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Gangesh Gunjan, Adv. Mr. Prashant Sinha, Adv.
For resp. nos. 6 to 8	:	Mr. Manish Kumar, Adv.
For the State	:	Mr. Raghwanand, GA-11 Mr. Sanjay Kr. Tiwari, AC to GA-11
For resp. no. 9	:	Mr. Nityanand Mishra, Adv. Mr. Abhishek Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2025 Heard Mr. Prashant Sinha, learned counsel for the

petitioner, Mr. Manish Kumar representing the Bihar Bhoodan

Yagna Committee, Mr. Nityanand Mishra for respondent no. 9

as also the State.

2. The present writ petition has been preferred for the
following relief(s):

(i) To quash the Bhoodan



Certificate No. 700621 dated 30.7.04 (Annexure-7) whereby and where under Gairmazarua Malik land recorded in Govt. records as "Pokhar" (tank) and "Pokhar Bhinda" (flank of tank) has illegally been granted to respondent no.9.

(ii) To remove encroachment from the aforesaid land bearing Khata no. 110, plot no.113, area 1 acre 16 decimal and Khata no.110, Plot no. 114, area 64 decimal situated in Village Hardiya Deeh, Circle Bhorey, District Gopalganj.

(iii) To grant any other relief or reliefs to which the petitioner is entitled for.

3. A pokhar (tank) is being claimed by the respondent no. 9 on the basis of certain documents of Bhoodan Committee greatly affecting the rights of the public.

4. Learned counsel for the respondent no. 9 has questioned the bona fide of the petitioner submitting that he has no personal stake in the matter and as such, the invocation of writ jurisdiction is nothing but complete abuse of the process of law.

5. At this stage, learned counsel for the petitioner submits that he shall be approaching the Collector, Gopalganj along with all the documents to show that a 'gair majarua land' has been usurped by the respondent no. 9 in the garb of



Bhoodan certificate.

6. The Bhoodan Yagna Committee which allegedly issued the Bhoodan certificate was a Competent Authority to throw light in the matter but as usual, they have chosen not to file any reply.

7. Though the Court finds force in the submission of learned counsel for the respondent no. 9, as the petitioner only wants liberty to approach the Collector, Gopalganj, granting said liberty and without commenting on the merit of the case, the writ petition is disposed of.

8. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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