

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17926 of 2021

Subhash Singh Son of Late Ram Chandra Singh Resident of Village- Fatehpur
Kasturi, P.S.- Kudhani, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-Collector, Muzaffarpur.
3. Sub-Divisional Magistrate, Muzaffarpur West, Distt- Muzaffarpur.
4. D.C.L.R., West Muzaffarpur.
5. Circle Officer, Kudhani, Distt- Muzaffarpur.
6. Superintendent of Police, Muzaffarpur.
7. Officer Incharge, Kudhani, P.S. and Distt- Muzaffarpur.
8. Sheshnath Ram S/o Hira Ram Resident of Village- Fatehpur Atiwal, P.S.-
Kudhani (Fakuli O.P.), District- Muzaffarpur.
9. Vishwanath Ram S/o Hira Ram Resident of Village- Fatehpur Atiwal, P.S.-
Kudhani (Fakuli O.P.), District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the Respondent/s	:	Mr. Saurabh Kumar(AC to SC19)
For Respondent no.8	:	Mr. Hari Kishore Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 19-06-2025 In the instant petition, the petitioner has prayed for
following relief:-

“(a) To issue a writ of mandamus or any other writ or writs, direction or directions, commanding upon the respondents to measure the lands in question for which Basgit Parcha was given to respondent no. 8 & 9 under the Bihar Priviledge Persons Homestead Tenancy Act 1947 by the Anchal Adhikari, Kudhani for an area of 10 Dec. only but the respondent no. 8



& 9 have encroached other land of the petitioner and have erected their hut the respondent no. 8 & 9 have encroached other land of the petitioner and have erected their huts over the same and further the respondent No. 1 to 7 be directed to remove the encroachment of the rest area of the land in question and to give vacant possession of the same to the petitioner.

(b) To pass any such other order or orders as this Hon'ble Court may think fit & proper under the facts & circumstances of this case."

2. Learned counsel for the petitioner submits that the land in question appertaining to Plot no.14, Khata no.16 having an area of 8.25 decimal situated in Village-Fatehpur Atiwal, P.S.-Kudhani (Fakuli O.P.) District-Muzaffarpur belongs to the petitioner. The said land was recorded in the name of Ramdeo Singh, S/o Janakdhari Singh of village-Fatehpur Kasturi who was grand father of the petitioner. Basgit Parcha was given to respondent nos 8 and 9 under the Bihar Privilege Persons Homestead Tenancy Act, 1947 for an area of 10 decimals only. He further submits that respondent nos. 8 & 9 have encroached more than 10 decimal land which was not given to them through the Basgit Parcha.

3. Learned counsel for the State as well as respondent



nos. 8 & 9 submits that petitioner has not submitted any representation before the appropriate authority. However, if petitioner files representation raising his grievance before the Circle Officer, Kudhani (respondent no.5) under the relevant statutory provision, the same shall be looked into by the concerned authority. However, learned counsel for the respondent nos. 8 & 9 submits that in the name of measuring of land the respondent nos. 8 & 9 should not be disturbed.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition is disposed of with liberty to the petitioner to file representation before the Circle Officer, Kudhani, Muzaffarpur (respondent no.5) for redressal of his grievance, which has been raised by the petitioner in the present writ petition, within a period of four weeks from the date of receipt of the order. The concerned/competent authority is directed to consider and dispose of the representation of the petitioner in accordance with law expeditiously within a reasonable period.

(Alok Kumar Pandey, J)

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