

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12486 of 2023

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1. Reeta Devi Wife of Umesh Ram Resident of Village- Sheohar Kashipur Bairiya Rishaud P.S- Belaganj, District -Sheohar, Bihar.
 2. Surji Devi, Wife of Chandeshwar Ram Resident of Village- Sheohar Kashipur Bairiya Rishaud P.S- Belaganj, District -Sheohar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Land and Revenue Department Government of Bihar.
2. The Collector, District- Sheohar Bihar.
3. The Additional Collector, Purnahiya, District- Sheohar Bihar.
4. The Sub Divisional Officer Purnahiya, District -Sheohar Bihar.
5. The Circle Officer, Block- Purnahiya, District -Sheohar Bihar.
6. Jasumati Devi, Wife of Jagarnath Ram Jiwit, R/o- Village Kashipur, P.S- Bairiya, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sameer Sawarn
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-02-2025 1. Heard learned counsel for the petitioners and the learned SC-25, Shri. Sajid Salim Khan.

2. The learned counsel appearing on behalf of the petitioners submits that the instant writ application has been filed seeking a direction upon the authorities, particularly the Circle Officer, Purnahiya to secure the possession of the land of the petitioners, which was allotted to them under the scheme of Government of Bihar and to restrain the private respondent from encroaching the land of the petitioners by using muscle power.



3. The learned counsel for the petitioners submits that petitioners and the private respondent No. 6 both belong to Mahadalit community and the Government had set up Mahadalit Commission in the year 2007 requiring the Commission to identify Mahadalit families who were without house-sites in the entire State and to provide them access to homestead land under the scheme. It is submitted that accordingly the petitioners and the respondent No. 6 were identified as Mahadalit having no homestead land, accordingly the State Government, after acquiring land, registered 5 decimal of land each to the petitioners and the respondent No. 6 by a sale deed dated 1-8-2017.

4. It is next submitted that the land was purchased by the Government from its owner and thereafter a tripartite sale deed was executed in between the parties, i.e., the authorities, the identified Mahadalits and the land owner. It is next submitted that petitioners accordingly were earmarked the land as detailed in their sale deed, but then the respondent No. 6 is trying to usurp their property, hence they had moved before the Circle Officer on number of occasions praying to restrain the respondent No. 6 from usurping their property, but then no action was taken.



5. It is next submitted that on 12-8-2021, a review was being conducted at the district level by the District Magistrate with regard to land dispute in which the dispute, which has arisen in the instant writ application, also came to his notice and accordingly the Circle Office was directed to take a decision in accordance with law based on the sale deed executed in favour of the parties, as would manifest from Memo No. 459 dated 12-8-2021 issued by the District Magistrate, Sheohar (Annexure-12).

6. The learned counsel appearing on behalf of the petitioners submits that the petitioners would be satisfied in the event if the writ application is disposed of with a direction to the Circle Office, Purnahiya to act in accordance with the direction of the District Magistrate as recorded at column-2 of the memo dated 12-8-2021. It is submitted that though the said direction of the District Magistrate was taken in the year 2021, but still the Circle Officer till date has not taken any action for complying the said direction. It is also asserted and submitted that the said direction of the District Magistrate in absence of challenge by respondent No. 6 has attained finality.

7. The learned counsel appearing on behalf of the State submits that the writ application can be disposed of with a



direction to the Circle Officer, Purnahiya to act in accordance with the direction of the District Magistrate, Sheohar dated 12-8-2021 contained in Memo No. 459 as it has been submitted by the learned counsel appearing on behalf of the petitioners that the said direction of the District Magistrate in absence of challenge has attained finality.

8. Considering the submissions made by learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Purnahiya to take a decision in accordance with the direction of the District Magistrate as contained in Memo No. 459 dated 12-8-2021 within a period of two months from the date of receipt/production of a copy of this order, if the direction contained in Memo No. 459 dated 12-8-2021 issued by the Collector, Sheohar, has not been challenged before any superior forum.

(Satyavrat Verma, J)

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