

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19550 of 2021

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Vijay Shankar Kunwar, Son of Chandrashekhar Kunwar, Resident of Village Lilhaul, Ward No. 10, Block and P.S. Singhiya, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue and Land Reforms, Patna.
2. The District Magistrate - Cum - Collector, Samastipur.
3. The Deputy Collector, Land Reforms, Rosera Sub-Division, District - Samastipur.
4. The Circle Officer, Singhiya Block, District - Samastipur.
5. The Panchayat Secretary - Cum - Karamchari, Lilhaul Panchayat, Block Singhiya, District - Samastipur.
6. Prince Kunwar, Son of Sri Arun Prasad Kunwar, Resident of Village Lilhaul, Ward No. 10, Block and P.S. Singhiya, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rishit Deo Kumar Singh, Advocate
For the Respondent/s : Mr. Ebadur Rahman Shakeb, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 25-11-2025 The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following relief:-

“1. That the present writ application is being directed for issuance of writ in the nature of mandamus or any appropriate writ/writs commanding the respondents concerned to protect and confirm possession of the residential house of the petitioner constructed over 39 decimals of land appertaining to Khata No. 1219 and Plot No. 6902 pursuant to the Enquiry Report submitted by the Respondent Panchayat Secretary-cum-Karamchari in compliance of the order issued by the respondent Circle Officer in view of the fact that the respondent No. 6,



namely, Prince Kunwar with the help of the criminal elements is bent upon to dispossess the petitioner from his old residential house as aforesaid, which is in occupation of the petitioner since last more than 40 years by virtue of Khatiyani Land.”

2. Mr. Rishit Deo Kumar Singh, learned counsel for the petitioner and Mr. Ebadur Rahman Shakeb, learned AC to AAG-12 for the State-respondents are present and they are heard.

3. The main grievance raised by the petitioner is that upon his land pertaining to Khata No. 1219, Plot No. 6902, over which the petitioner's residential house is situated, Respondent No. 6, with the help of criminal elements, is trying to dispossess the petitioner from his own residential house. Learned counsel for the petitioner submits that, for redressing the petitioner's grievance, he filed an application before the Circle Officer, Singhiya, upon which an enquiry was conducted through the Panchayat Secretary-cum-Karmachari, Lilhaul Panchayat (Respondent No. 5), which clearly shows that the petitioner has been residing over the land in question for several years, but even then no action was taken. The petitioner then approached to the District Magistrate, Samastipur, for taking action against private Respondent No. 6 by filing a petition (Annexure-3), but



despite this, the petitioner remains completely helpless.

4. After hearing both sides and having gone through the averments made in this writ petition, this Court finds that the issue raised by the petitioner is a dispute between two private persons, for which the best remedy available to the petitioner lies before the Civil Court. Therefore, this Court is of the view that the issue raised by the petitioner is premature for consideration under its writ jurisdiction. However, the petitioner is granted liberty to file an application under the Bihar Land Dispute Resolution Act, 2009, for seeking protection from the alleged threat or act of Respondent No. 6, in respect of which he apprehends dispossession from his land.

5. If the petitioner avails this liberty within four weeks from today by filing an application before the competent authority (concerned DCLR, Respondent No. 3), then the DCLR (Respondent No. 3) shall look into the petitioner's grievance and take appropriate legal action as per the provisions of law.

6. The petitioner will have further liberty to approach the Civil Court for redressing his grievance by filing a Civil Suit, if he so prefers, and in the event of filing a Civil Suit, the time spent by him in this writ petition shall be excluded while computing the necessary limitation period.



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

(Shailendra Singh, J)

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