

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14857 of 2025

1. Shiv Prakash Prasad @ Jai Prakash Mahto @ Prakash Mahto, son of Late Parmeshwar Mahto @ paro Mahto resident of village- Surari Imam Nagar, Ward no. 5, Anchal-Ramgarh Chowk, P.S.- Halsi, District- Lakhisarai.
2. Sidheshwar Prasad @ Singheshwar Mahto, son of Late Parmeshwar Mahto @ Paro Mahto resident of village- Surari Imam Nagar, Ward no. 5, Anchal-Ramgarh Chowk, P.S.- Halsi, District- Lakhisarai.
3. Subhash Kumar, son of Late Parmeshwar Mahto @ Paro Mahto resident of village- Surari Imam Nagar, Ward no. 5, Anchal-Ramgarh Chowk, P.S.- Halsi, District- Lakhisarai.
4. Sanjay Kumar, Son of Late Parmeshwar Mahto @ Paro Mahto resident of village- Surari Imam Nagar, Ward no. 5, Anchal-Ramgarh Chowk, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land Reform and Revenue Department, Government of Bihar, Patna
2. The District Magistrate, Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai.
4. The Deputy Collector Land Reform, Lakhisarai.
5. The Circle Officer, Ramgarh Chowk, Lakhisarai
6. The Block Development Officer, Ramgarh Chowk, Lakhisarai.
7. The Circle Inspector, Ramgarh Chowk, Lakhisarai.
8. The Halka Karmchari, Ramgarh Chowk, Lakhisarai.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-09-2025 The instant case has been filed under Article 226 of the Constitution of India by the petitioners seeking the following relief(s):

"That this application by petitioners citizen of India, for issuance of an appropriate writ/order/



direction setting aside the notice issue under memo no. 437, dated 28/03/2025 issued by Circle Officer Respondent no. 5 with respect to the raiyati land of petitioners situated at Mauza Surari Imamnagar, in Thana no. 162, Khata no. 320, plot no. 1316, area 2 acar 84 decimal over which petitioners and earlier their ancestors were/are continuing in possession having absolute right, title and possession and the name of petitioners has been recorded in records of right earlier before ex-land lord and after vesting of Jamindari before the State of Bihar and on payment of rent, rent receipt have been issued regularly, but by aforesaid notice the Respondent no. 5 alleged the said land to be of state of Bihar on the basis of nature of land recorded in cadastral survey Khatiyani as Garmajaru Malik Parti Kadim and declared the petitioner no. 1 as ancestor over the said land and on approach made by petitioners the authorities are threatening for dispossession of petitioners from their rightful land and stating that the land in question has to be distributed amongst the landless person without initiating any proceeding, against the principal laid down vide notification issued under circular no. 925 (6), dated 11/11/2014, by the Revenue and Land Reforms Department, and for grant of any other suitable relief/reliefs for which petitioners are found entitled in the eye of law."

2. Heard Mr. Arbind Kumar Singh, learned counsel appearing for the petitioners and Mr. Ebadur Rahman Shakeb,



learned counsel appearing for all the respondents.

3. The main grievance of the petitioners is that they have been declared encroachers over their own land by the Circle Officer. It is submitted by petitioners' counsel that the land in question had been settled by the then Ex-Landlord by executing a Hukumnama dated 16.04.1934 in the name of Prasadi Mahto, an ancestor of the petitioners and accordingly the name of the said ancestor was recorded and rent receipts were started being issued in his favour and the photocopy of the said Hukumnama has been filed with this petition as Annexures - P1 & P/2 series, thereafter, a common ancestor of the petitioners namely Moti Mahto died leaving behind his only son namely, Prasadi Mahto, who also died leaving behind his two sons namely, Narayan Mahto and Parmeshwar Mahto @ Paro Mahto, (father of these petitioners), subsequently, a common partition took place among the brothers and the land in question came in the share of Parmeshwar Mahto @ Paro Mahto and after partition Parmeshwar Mahto @ Paro Mahto died leaving behind these petitioners as his legal heirs, after vesting of Jamindari, the name of Naryan Mahto and Paro Mahto were entered in the record of rights and Zamabandi No. 60 was created and rent receipts were started being issued and



in this regard Annexure-P/3 series filed with this petition are relevant. It is further submitted by petitioners' counsel that when the petitioners required loan then Possession Certificate showing their possession over the land in question was issued by Circle Officer after due verification and the said possession certificate has been filed with this petition as Annexure- P/4 and all these documents are relevant to substantiate the petitioners' claim but suddenly from the Office of Circle Officer, Ramgarh Chowk, a notice was issued to the petitioners showing them as encroachers over their own land without assigning any reason though, at that time petitioners could not produce any relevant documents in support of their claim but sought some time that was not considered and thereafter they approached to Sub-Divisional Officer, Lakhisarai raising their grievance but no action was taken and the Circle Officer, Ramgarh Chowk, Lakhisarai is very keen to take step to dispossess the petitioners from the land in question.

4. Mr. Ebadur Rahman Shekeb, learned counsel appearing for the State respondent submits that from the averments made in the petition it is not clearly evident whether any encroachment proceeding has been initiated against the petitioners or not, rather it appears that only a notice has been



sent to the petitioners giving them an opportunity to file their response.

5. Considering the aforesaid facts, the instant writ petition stands disposed of with giving a direction to the Circle Officer, Ramgarh Chowk, Lakhisarai, to give a fresh opportunity to the petitioners to submit their claim over the land in question along with all relevant documents and the Circle Officer shall examine the documents so submitted and thereafter pass an appropriate order strictly in accordance with the law. the petitioners shall file their reply to the impugned notice within six weeks from today, if such reply is filed within the said period then necessary action will be taken after due consideration. In the meantime, no coercive action shall be taken against the petitioners during next 10 (ten) weeks.

(Shailendra Singh, J)

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