

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18399 of 2025

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Ratan Kumar Son of Nirdhan Prasad Singh Resident of village- Sabalpur, Police Station- Morkahi, District- Khagaria, At present resident of Shivpuri Colony, South Aerodrum, Bhagalpur, Police Station- Tilkamanjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Land and Revenue, Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Block Development Officer, Khagaria.
4. The Deputy Collector, Land and Reforms, Khagaria.
5. The Circle Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Adv. Mr. Waliur Rahman, Adv
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

"(1) To direct the respondent authority not to take forcible possession of the Raiyati land of the petitioner and also restrained from distributing any sort of purcha with regard to the Raiyati land of the petitioner to the certain community.

(ii) To also direct the respondent authority to issue rent receipt after due Parimarjan since it has been stopped in the year 2016 without any legal reason till date.



(iii) To also direct and restrained the respondent authority or any authority to take the forcible possession and also restrained from taking any sort of activity upon the raiyati land of the petitioner till the disposal of present writ application.

(iv) Further also not to disturb the long standing Jamabandi No. 1330/121 in any sort of summary manner as it runs since 1956 till the disposal of the present writ application.

(v) To pass such other order/ orders which deems fit and proper in the facts and circumstances of present case."

2. Mr. Md. Najmul Hodda, learned counsel appearing for the petitioner and Mr. Sheo Shankar Prasad, learned counsel appearing for the State-respondents are present and they are heard.

3. The main issue raised by the petitioner in this writ petition is that the land in question is the *raiya* land of the petitioner which was initially settled by the then ex-landlord of the State of Aurangabad in favour of an ancestor of the petitioner namely, Teku Mahton, who in turn executed a registered Will in the name of Most. Hakri wife of Ramswaroop Mahton with regard to the entire settled property including other properties and a copy of the Will has been filed with this petition as Annexure- P/2 and also by way of supplementary affidavit. It is further submitted that after the demise of the



testator Teku Mahton, the beneficiary Most. Hakri filed a Probate Case No. 23 of 1948 in the Court of District Judge, Munger, Bihar and that the said Will was probated in favour of Most. Hakri and consequently, the land was mutated in her name and *Jamabandi* was created and rent receipts were issued till 2016. It is lastly submitted by the petitioner's counsel that the land in question has been running under the possession of the petitioner for a long time and surprisingly, on 21.08.2025, the district Officials visited the petitioner's land and started measurement work which was objected by the petitioner and thereafter, on the next day petitioner visited the District Administration Office and showed all relevant papers concerning to his title but they were not accepted and petitioner was threatened to vacate his land. However, the petitioner wants to file a fresh written representation before the District Magistrate for redressing his grievance if in this regard, a liberty is granted to the petitioner.

4. On the other hand, Mr. Sheo Shankar Prasad, learned counsel appearing for the State-respondents submits that though the petitioner has made allegation in his petition regarding the alleged Acts of the District Administration Officials but he has not filed any single chit of paper showing



any written representation or application being filed by him before the District Magistrate for redressing his grievance, so, the instant writ petition is premature for consideration.

5. After having heard both the sides, this court is of the view that though the issue raised by the petitioner with regard to the attempts allegedly made by the District Officials to disturb his possession is premature for consideration, however, as the petitioner wants to file a written representation before the District Magistrate for redressing his grievance, so, he is given a liberty to file a representation revealing all the aforesaid facts with regard to his title as well his rights. If he avails this liberty in the next four weeks from today, then the District Magistrate shall dispose of the petitioner's representation as per the provisions of law and according to merit within four weeks from the date of its filing

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

(Shailendra Singh, J)

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