

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.11 of 2025

Kamal Narayan Singh @ Kamal Nayan Son of Late Shashi Ranjan Singh @ Late Shishi Ranjan Prasad Singh, Resident of village - Rahimpur, Post Office- Rahimpur, P.S. Khagaria, District- Khagaria, at present Resident of Ward No. 10, Moldiyar Tola, P.S. Mokama, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Saharsa.
2. The Sub Divisional Officer, Simri Bakhtiyarpur Sub Division, Post and P.S.- Simri Bakhtiyarpur, District- Saharsa.
3. The Circle Officer, Block - Salukhua, Post and P.S. - Salukhua, District - Saharsa.
4. Lakshmi Sada, Son of Babujan Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
5. Upendra Sada, Son of Ram Prasad Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
6. Asarfi Sada, Son of Bhola Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
7. Bablu Rai, Son of Pavitar Rai Matofa, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
8. Chatittar Rai, Son of Fudar Rai, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
9. Chandar Rai, Son of Ramji Rai Matofa, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
10. Wodhan @ Viran Sada, Son of Chatthu Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
11. Ram Chandra Sada, Son of Viran Sada @ Wodhan Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
12. Sanjay Kumar Sada, Son of Ram Charitra Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
13. Sato Sada, Son of Jumul Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.



14. Yogendra Sada, Son of Aashik Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
15. Tilo Sada, Son of Bauji Sada @ Babunath Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
16. Jangal Sada, Son of Late Jamun Sada Matofa, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
17. Yogi Sada, Son of Late Jamun Sada Matofa, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
18. Mullu Sada, Son of Meghu Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
19. Ram Sewak Sada, Son of Bahadur Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
20. Wucho Sada, Son of Kapli Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
21. Ashok Sada, Son of Mishri Sada, Resident of village - Bhirkhi, Post - Salkhua, P.S. and Anchal - Salkhua, Sub Division- Simri Bakhtiyarpur, District- Saharsa.
22. Madan Singh, Son of Kapildeo Singh Matofa Resident of Village - Dumri Bujurg, Post - Sitapur, District- Chapra.
23. Ramakant Singh, Son of Ramanuj Singh Matofa, Resident of Village - Dumri Bujurg, Post - Sitapur, District- Chapra.
24. Uma Singh, Son of Yogendra Singh Matofa, Resident of Village - Dumri Bujurg, Post - Sitapur, District- Chapra.
25. Om Prakash Singh, Son of Yogendra Singh Matofa, Resident of Village - Dumri Bujurg, Post - Sitapur, District- Chapra.
26. Vinod Singh, Son of Yogendra Singh Matofa, Resident of Village - Dumri Bujurg, Post - Sitapur, District- Chapra.
27. Jiyaal Haque, Son of Ganimat Hussain Matofa Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
28. Md. Juwair Hussain, Son of Md. Ataul Hussain Matofa, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
29. Md. Raja Karim, Son of Md. Ataul Hussain Matofa, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
30. Md. Sahjaha Ahmed, Son of Md. Suleman Mian Matofa, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
31. Md. Raja Karim, Son of Md. Faudaar Hussain, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.



32. Md. Haroon, Son of Wazid Hussain Matofa, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
33. Md. Oli Alam, Son of Wazid Hussain Matofa, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
34. Md. Irfan Alam, Son of Wazid Hussain Matofa, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
35. Md. Nishad Ahmad @ Md. Niyaz Ahmad, Son of Md. Suleman Ahmad, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
36. Md. Mumtaaz Ahmad, Son of Md. Suleman Ahmad, Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
37. Md. Eka Ahmad @ Ezaz Ahmad, Son of Md. Suleman Ahmad, Serial no. 27 to 37 All Sons of Md. Suleman Ahmad. Resident of village- Marar, Post - Marar, P.S. and District- Khagaria.
38. Moli Yadav, Son of Gonar Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
39. Wakil Yadav, Son of Gonar Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
40. Ramakant Yadav, Son of Banarsi Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
41. Rudal Yadav, Son of Kamal Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
42. Shyam Yadav, Son of Kamal Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
43. Arjun Yadav, Son of Kamal Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
44. Domi Yadav, Son of Kamal Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
45. Sunar Yadav @ Sundar Yadav, Son of Tengar Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
46. Rajendra Yadav, Son of Suraj Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
47. Khelo Yadav, Son of Nek Lal Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
48. Lalo Yadav, Son of Wano Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
49. Esho Yadav, Son of Wano Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
50. Kiro Yadav, Son of Wano Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
51. Jalo Yadav, Son of Wano Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
52. Ram Patarath Yadav, Son of Wano Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.



53. Chandrachur Yadav, Son of Raghi Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
54. Rajaram Yadav, Son of Soman Yadav Matofa, Resident of Village - Menka Mohalla, Post, P.S. and District- Begusarai.
55. Uma Singh, Son of Parmeshwar Singh Matofa, Resident of Village- Olipur, Post - Olipur, P.S. and District- Lakhisarai.
56. Ram Sewak Singh @ Sewak Singh, Son of Badri Singh Matofa, Resident of Village- Olipur, Post - Olipur, P.S. and District- Lakhisarai.
57. Swarath Yadav, Son of Raghunath Yadav, Resident of village- Olipur (Ramchandrapur) P.S. and District- Lakhisarai.
58. Rama Singh, Son of Raj Narayan Singh Matofa, Resident of village- Dumri Bujurg, Post - Dumri Bujurg, P.S. - Sitapur, District- Chapra.
59. Vishwanath Singh, Son of Devendra Singh Matofa, Resident of village- Dumri Bujurg, Post - Dumri Bujurg, P.S. - Sitapur, District- Chapra.
60. Nirmal Singh, Son of Devendra Singh Matofa, Resident of village- Dumri Bujurg, Post - Dumri Bujurg, P.S. - Sitapur, District- Chapra.
61. Kishori Singh, Son of Shivajit Singh Matofa, Resident of village- Dumri Bujurg, Post - Dumri Bujurg, P.S. - Sitapur, District- Chapra.
62. Madan Singh, Son of Shivajit Singh Matofa, Resident of village- Dumri Bujurg, Post - Dumri Bujurg, P.S. - Sitapur, District- Chapra.
63. Shatrudhan Singh, Son of Shivajit Singh Matofa, Resident of village- Dumri Bujurg, Post - Dumri Bujurg, P.S. - Sitapur, District- Chapra.
64. Jatashankar Prasad Singh, Son of Late Ramavtar Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
65. Pratiyush Kumar, Son of Late Anjani Kumar Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
66. Gopi Kumar, Son of Late Anjani Kumar Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
67. Sanjay Singh, Son of Late Subash Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
68. Hemant Kumar Singh, Son of Late Shiv Awadhesh Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
69. Pintu Devi, Wife of Late Nand Kishor Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
70. Arvind Prasad Singh, Son of Late Shiv Awadhesh Prasad Singh, Resident of



- village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
71. Vibha Devi, Wife of Late Navin Kumar Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 72. Pratik Kumar, Son of Late Navin Kumar Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 73. Anant Prasad Singh, Son of Late Shiv Awadhesh Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 74. Kumar Jiveshwar Singh, Son of Late Baikunth Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 75. Manoj Kumar, Son of Late Baikunth Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 76. Soni Kumari, daughter of Late Nandan Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 77. Sima Kumari, daughter of Late Nandan Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 78. Most. Abha Devi, daughter of Late Shankar Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 79. Shivam, Son of Late Shankar Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 80. Satyam, Son of Late Shankar Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 81. Kanhaiya Prasad Singh, Son of Late Jatashankar Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village- Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District- Saharsa.
 82. Gorakh Singh, Son of Late Jatashankar Prasad Singh, Resident of village- Rahimpur, Post- Rahimpur, P.S. and District - Khagaria, at present Village-



Bhirkhi Pargana Farkiya, Sub Division - Simri Bakhtiyarpur, District-
Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Digvijay Narayan Singh, Advocatre
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 11-02-2025

Record has been taken up on mentioning being made
on behalf of the petitioner.

2. Heard learned counsel for the petitioner as well as
learned counsel for the State-respondent nos.1 to 3.

3. The petitioner is aggrieved by the order dated
10.09.2024 passed by learned Sub Judge, Simri Bakhtiyarpur,
Saharsa in Title Suit No. 08 of 1998, whereby and whereunder
the application filed by the petitioner under Order 11 Rule 14
read with Section 151 of the Code of Civil Procedure dated
21.08.2024 has been rejected by the learned trial court.

4. Learned counsel for the petitioner submits that the
defendants/respondents failed to produce the original settlement
purcha issued in their favour though in written statement they
have claimed the suit land by way of settlement in their favour
by the State. Such claim is completely wrong. The defendants
claimed that the suit land belongs to State of Bihar and the same
was settled in favour of the private defendants who came in



possession over the suit land. But the defendants have not filed original settlement *purcha*. The photo copies of order sheet of settlement record no. 184 of 1982-83 and other documents have been filed on behalf of defendants 2nd set but none of the documents is an original copy. Learned counsel further submits that the *purcha* in favour of defendants 2nd set is under challenge in the suit, it was necessary in the interest of justice that the original should have been produced before the court to allow it to adjudicate the matter effectually and completely. Learned counsel further submits that the documents are in favour of the defendants 2nd set and therefore, they ought to have produced the same before the learned trial court. Since they have failed to do so, it was incumbent upon the learned trial court to call for those documents to arrive at a just conclusion. Learned counsel further submits that the learned trial court has not considered the fact in proper perspective and passed an erroneous order.

5. Learned counsel for the State-respondents vehemently contends that the title suit itself is not maintainable since the settlement *purcha* was issued in the year 1982 and the said title suit has been filed in 1998 without any legal sanction. Learned counsel further submits that the title suit is not maintainable on the ground that Section 18 of Bihar Privileged



Persons Homestead Tenancy Act, 1948 (in short 'the Act') bars filing of any suit in any Civil Court to vary or set aside any such order except on the ground of fraud or want of jurisdiction. Learned counsel further submits that any person aggrieved to the settlement may file appeal under Section 21 of the Act before the Collector of the district. Learned counsel thus submits that the order of the learned trial court does not require any interference and the same may be affirmed.

6. I have given my thoughtful consideration to the rival submission of the parties and perused the record. From perusal of record I fail to understand how the plaintiff/petitioner can demand production of original settlement *purcha* by the defendants at the fag end of the trial as the impugned order shows the record was fixed for judgment and at that stage the application seeking documents from the defendants has been filed. Moreover, if the defendants did not produce the original *purcha* on which their claim is based, the same would adversely affect their right and the non-production should not cause any prejudice to the petitioner. In any case when there is specific provision for production of document prior to settlement of issues and stage has been fixed for the same, the plaintiff/petitioner could not approach the court at a greatly



belated stage without showing reason for moving so late before the learned trial court seeking production of certain documents. Moreover, the impugned order has assigned reasons for rejection of the petition of the petitioner.

7. In the light of aforesaid discussion and the reasoning adopted by the learned trial court, I do not any infirmity in the impugned order and the same is affirmed. Accordingly, the present petition stands dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2025
Transmission Date	NA

