

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19763 of 2025

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Bibi Auguri Begum alias Bibi Angoori Bagum, W/o Md. Fazal Rahman, R/o Village Manikpur, P.O.- Pirpainti Bazar, P.s.- Pirpainti, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Bihar Land Reforms Department, Bihar, Patna.
2. The Collector, Bhagalpur, Dist.- Bhagalpur- 812001.
3. The Additional Collector, Bhagalpur, Dist.-Bhagalpur- 812001.
4. The Deputy Collector Land Reforms, Kahalgaon, Dist.- Bhagalpur, Pin- 813203.
5. The Circle Officer, Pirpainti, P.S.- Pirpainti, Dist- Bhagalpur.
6. Chief Secretary, Social Welfare Department, Old Secretariat, Patna, Bihar.
7. The Mukhiya, Gram Panchayat, Manikpur, P.O.- Pirpainti Bazar, P.S.- Pirpainti, Dist- Bhagalpur- 813209.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sushanta Kumar Das, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16
		Mr. Pramod Kumar Singh, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-12-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

" 1. That the application is for appropriate writ, order and direction on the respondents for not making any construction over the land of the Petitioner of which she is the Kaimi raiyat and paying rent to the State of Bihar the Kaimi raiyat and paying rent to the State of Bihar holding possession thereon and to quash Annexure-P/5, the order dated 02.01.2024, passed by the D.C.L.R., (respondent no.4)."



2. Heard Mr. Sushanta Kumar Das, learned counsel appearing for the petitioner and Mr. Subhash Chandra Mishra, learned counsel appearing for all the respondents.

3. Mr. Sushanta Kumar Das, learned counsel appearing for the petitioner submits that the petitioner's land was settled by an ex-landlady in the year 1936 by a Hukumnama and thereafter the petitioner's land was entered in Khatiyani as Un-Abad Bihar Sarkar during the survey. For the correction of the same, the petitioner approached the Civil Court by filing Title Suit No. 471 of 2010 which was decided in favour of the petitioner and that judgment and decree has got finality and after that judgment, the Jamabandi was also created in favour of the petitioner in the year 2012 but suddenly, the petitioner's Jamabandi was cancelled by the order dated 02.01.2024 passed by the D.C.L.R. without jurisdiction and the same has been challenged before the Additional Collector by way of revision. It is further submitted that after the cancellation of the petitioner's Jamabandi and during the pendency of the petitioner's revision case, the respondents at the initiative of the local Mukhiya have laid the foundation wall on the disputed land for construction of a building namely, Vibha Mandap without having any right or title over the land in question.



4. After having heard both the sides and having gone through the Annexures filed with this petition and also taking into consideration the averments made in this writ application, this court is of the view that for redressing the petitioner's issue pertaining to the proposed construction of a building over his so-claimed land, the petitioner has efficacious remedy before the Civil Court which is the appropriate forum to redress his issue and so far as the cancellation of the petitioner's Jamabandi is concerned, the petitioner's revision is admittedly pending wherein the legality of the said cancellation is to be examined, so, this Court is not persuaded to invoke its writ jurisdiction to redress the petitioner's issue at this stage. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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