

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18997 of 2024

1. Munindra Nath Das S/o- Late Govardhan Das @ Govardhan Patnidar resident of village Aadampur Kasht, P.S. - Balrampur, Dist. - Katihar.
2. Manik Chandra Das, S/o Late Sudhir Chandra Das resident of village Aadampur Kasht, P.S. - Balrampur, Dist. - Katihar.
3. Pinaki Chandra Das, S/o Late Sudhir Chandra Das resident of village Aadampur Kasht, P.S. - Balrampur, Dist. - Katihar.
4. Arvind Kumar Das @ Arvind Das, S/o Late Sudhir Chandra Das resident of village Aadampur Kasht, P.S. - Balrampur, Dist. - Katihar.
5. Chanchala Devi, D/o Late Sudhir Chandra Das, and W/o Mahendra Nath Das, R/o village- Lodhna , P.S. Barsoi, Dist. - Katihar.
6. Bharti Devi @ Bharti Das, D/o Late Sudhir Chandra Das, W/o Taroni Das, R/o village - Patnour Palsa, P.S. - Dalkola, Dist.- Uttar Dinajpur (West Bengal).
7. Ajay Kumar Das, S/o Late Hemanta Kumar Das, R/o village - Moralbadh Sudhani, P.S. Balrampur, Dist. -Katihar.
8. Gokul Chandra Das, S/o Prabhat Kumar Das, R/o village - Aadampur Mal, P.S. - Balrampur, Dist. - Katihar.
9. Ajit Kumar Das @ Ajit Chandra Das, S/o Prabhat Kumar Das, R/o village Aadampur Kasht, P.S. Balrampur, Dist. Katihar.
10. Indrajit Kumar Das @ Indrajit Das, S/o Prabhat Kumar Das, R/o village Aadampur Kasht, P.S.- Balrampur, Dist.- Katihar.
11. Rambha Devi, W/o Late Prabhat Kumar Das, D/o Radhik Das, R/o village - Aadampur Kasht, P.S. Balrampur, Dist.- Katihar.
12. Panchami Devi, W/o Late Haren Das, D/o Dolgovind, R/o village Aadampur Kasht, P.S. - Balrampur, Dist. - Katihar.
13. Kamal Kumar Das, S/o Amrendra Kumar Das, R/o village- Shikorna, Jhauwa, P.S.- Kadwa, Dist.- Katihar.
14. Ramphul Kumar Das @ Ramphal Das, S/o Amrendra Kumar Das R/o village- Shikorna, Jhauwa, P.S.- Kadwa, Dist.- Katihar.
15. Jai Singh Kumar Das, S/o Amrendra Kumar Das R/o village- Shikorna, Jhauwa, P.S.- Kadwa, Dist.- Katihar.
16. Usha Devi, W/o Biraj Kumar Das, D/o Amrendra Kumar Das, R/o village- Moral Badh Sudhani, P.S.- Balrampur, Dist. - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner, Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The Principal Secretary Cum Commissioner, Revenue and Land Reform Department, Government of Bihar, Patna.
3. The Collector Katihar, Dist. - Katihar.



4. The District Land Acquisition Officer, Katihar, Dist.- Katihar.
5. The Deputy Collector, In Charge Officer, District Archives (Aabhilekhagar), Katihar.
6. The Sub Divisional Officer (S.D.O.) Barsoi, Dist.- Katihar.
7. The Circle Officer (C.O.) Block Balrampur, Dist. -Katihar.
8. The Circle Inspector (C.I.) Block - Balrampur, Dist.- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda
For the Respondent/s : Mr. Standing Counsel (24)
Mr. AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-01-2025 1. Heard learned counsel for the petitioners and
learned AC to SC-24 for the State.

2. The learned counsel for the petitioners submits that the instant writ application has been filed seeking recovery of possession of land pertaining to Khata No.126, Plot No.246, 259, 261, 262 and 265 area 06 acres 37 decimals, Khata No.84, Plot Nos.273, 25, 26, 27 Area 03 acres 65 decimals and Khata No.125, Plot Nos.112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 163, 164, 165, 166, 167, 170, 188, 189, 190 and 199, Area 15 acres 21 decimals, total land thus is 25 acres 23 decimals pertaining to Thana No.114, village- Balrampur, P.S.-Balrampur (Gopalpur), District- Katihar in view of report dated 21.10.2022 issued by the Deputy Collector, In-charge Officer, District Archives, Katihar



(Respondent No.5). Further, to pay compensation with respect to lands acquired by the authorities from the aforesaid Khata and Khesra.

3. The learned counsel for the petitioners submits that Late Govardhan Das @ Govardhan Patnidaar and Late Tara Sundari, wife of Late Govardhan Das of village- Adampur, Panchayat- Luttipur, P.S. Balrampur, District- Katihar were landlords. It is next submitted that petitioner no.1 is son of Late Govardhan Das and Late Tara Sundari while petitioner nos.2, 3, 4, 7, 8, 9, 10, 13, 14 and 15 are grandsons/ maternal grandsons. Further, petitioner nos.5 and 6 are grand-daughters and petitioner nos.11 and 12 are grand-daughter in-laws and petitioner no.16 is grand maternal daughter of Late Govardhan Das and Late Tara Sundari.

4. It is submitted that Govardhan Das and Tara Sundari died in the Year 1981-1982 respectively and the petitioners, being legal heirs, were not able to trace out the land in question and thus, could not take possession over the land. It is submitted that all of a sudden, an inquiry report dated 21.10.2022 (Annexure- P/3) issued under the signature of respondent no.5 was served on the petitioners, when they came to know about the lands and how some lands have been



acquired by the authorities and some lands have been settled with landless persons. Further, the report also recorded that the settlement made with the landless persons was with a condition that settlee would hand back possession of the land, the day the legal heirs of the land-holder produce the genealogical table and deposit the arrear land revenue. The report dated 21.10.2022 (Annexure- P/3) also recorded that arrear revenue of land pertaining to Khata No.126 is Rs.4,12,624/-. Further, land pertaining to Khata No.84, Plot No.269, 270, 271 and 272, Area 0.02 acre 06 decimals has been acquired for construction of school building.

5. The learned counsel for the petitioners submits that the land pertaining to Khata No.84 as recorded herein above was in the name of Late Govardhan Das. It is next submitted that the report also recorded that land pertaining to Khata No.126, Plot No.300 and 303, Area 01 acre 19 decimals has been acquired for constructing Balrampur Police Station for which Rs.64,24,000/- has been kept reserved for payment of compensation of the acquired land. Further, the legal heirs of the original land-holders are entitled for possession of the remaining land in Khata No.126 after fulfilling due legal procedure. The report also recorded that land pertaining to Khata No.125, Plot



No.162 and 121, Area 0.45 decimal has been acquired for construction of State Highway and an amount of Rs.26,40,624/- has been kept reserved for payment of compensation. Further, with regard to land pertaining to Khata No.125, arrear rent revenue of Rs.5,66,462/- is due. The learned counsel for the petitioners submits that the land pertaining to Khata No.125 is recorded in the name of Tara Sundari. The learned counsel next submits that the report dated 21.10.2022 of the respondent no.5 clearly records that the last date to take recourse for claiming the land is 14.12.2022 and thereafter, the lands would be auctioned.

6. The learned counsel appearing on behalf of the State submits that from perusal of the report dated 21.10.2022, it would manifest that the same records that the arrear rent of the land in dispute is to be paid by the legal heirs of the land-holder, but then, there is no pleading in the writ application that as to whether the petitioners paid the arrear rent revenue or not, on which the learned counsel appearing on behalf of the petitioners submits that the lands stand mutated in the name of Govardhan Das and Tara Sundari and the petitioners, being the legal heirs, are entitled for getting the land mutated in their name, on which the learned counsel appearing on behalf of the State submits that



without seeking mutation, it cannot be said that the lands presently are in possession of the petitioners and as such, they are entitled for compensation as has been recorded in the inquiry report dated 21.10.2022. The learned State counsel also submits that the authenticity of the enquiry report dated 21.10.2022 (Annexure- P/3) can be established only after filing a counter-affidavit, but then, fairly submits that if the petitioners are the legal heirs of Govardhan Das and Tara Sundari, in that event, the petitioners should first get the land mutated in their name as until and unless the land is mutated, no relief can be granted to the petitioners. It is also submitted that at the time of seeking mutation, the petitioners will have to establish their genealogy and the authenticity of the enquiry report dated 21.10.2022 also has to be established before an authority competent.

7. At this stage, the learned counsel appearing on behalf of the petitioners submits that under wrong legal advise, he had filed a representation before the Principal Secretary-cum-Commissioner Revenue and Land Reforms dated 23.11.2022 (Annexure- P/4).

8. The learned counsel for the petitioners, after making the aforesaid arguments, seeks permission to withdraw the present writ application with liberty to seek his remedy in



accordance with law before an appropriate forum/ authority.

9. Permission is accorded.

10. Accordingly, instant writ petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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