

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19005 of 2024

Binda Singh son of Babu Lal Singh, resident of Village-Dhibar, P.S.-Fatehpur, Anchal-Tankuppa, District-Gaya, at present residing at Rambagan, Searsol Rajbari, Raniganj (M), Bardhaman, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector, Gaya, District-Gaya.
3. The Additional Collector, Gaya.
4. The Deputy Collector of Land Reforms, Sadar, District-Gaya.
5. The Circle Officer, Sadar, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Upendra Prasad Singh
For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-01-2025 1. Heard learned counsel for the petitioner and learned AC to SC-5.

2. The learned counsel for the petitioner submits that land pertaining to *Khata* No. 2, *Khesra* No. 2828, Area 24 decimal, *Thana* 510 at Mauja-Dhibhar under Tankuppa Anchal, District-Gaya was acquired by the petitioner by way of *Zamindari Bandobasti* from the ex-landlord and the rent receipt was issued in the name of the petitioner.

3. The learned counsel appearing on behalf of the State submits that the copy of the rent receipt is not annexed with the writ application.



4. The learned counsel for the petitioner further submits that during revisional survey, the land of the petitioner bearing *Khata* No. 2, Plot No. 2828, Area 24 decimal was recorded in the name of Gulabi Devi wife of Kailash Singh. The petitioner, on coming to know about the said wrong entry in the revisional survey, filed Suit No. 3656 of 1981 under Section 106 of the B.T. Act before the Revenue Officer. The Suit No. 3656 of 1981 was decided in favour of the petitioner by a judgment and decree dated 21.04.1984 (Annexure-1) and the land was found in possession of the petitioner. It is next submitted that petitioner accordingly, based on the judgment dated 21.04.1984 in Suit No. 3656 of 1981 (Annexure-1) filed an application dated 13.09.2024 (Annexure-2) before the Collector, Gaya along with a copy of the judgment dated 21.04.1984 with a prayer to correct the name in the revenue survey *Khatiyani*, thereafter the matter was referred to the *Halka Karmachari* and *Anchal Amin*, Tankuppa to submit a report and they found that the land is in possession of the petitioner since long.

5. The learned State counsel submits that the report of the *Halka Karmachari* and *Anchal Amin*, Tankuppa is also not annexed with the writ application.

6. The learned counsel for the petitioner next submits



that after the report of *Halka Karmachari* and *Anchal Amin* came in his favour, he visited the office of the Circle Officer, Tankuppa and requested to issue rent receipt in his name with regard to the land in question, but the grievance of the petitioner, till date, has not been redressed. It is thus submitted that the instant writ application has been filed for a direction upon the Circle Officer (respondent no. 5) to mutate the land in dispute in name of the petitioner.

7. The learned State counsel submits that the writ petition does not contain the necessary facts, as to when the land was settled in favour of the petitioner, after settlement whether *Jamabandi* was created in his name or not, nor any rent receipt in the name of the petitioner is annexed with the writ petition, nor the report of the *Halka Karmachari* and *Amin* is on record.

8. The learned State counsel next submits that from perusal of the pleadings made in the writ application, it is pleaded that during revisional survey, the land in dispute was recorded in the name of Gulabi Devi, it is thus submitted that if land was recorded in name of Gulabi Devi, then *Jamabandi* must have been created but then there is no pleading in the writ application that as to whether any *Jamabandi* was created in the name of Gulabi Devi or not, further the writ application also



does not disclose the *Jamabandi* number created in favour of the petitioner prior to the name of Gulabi Devi being recorded during revisional survey. The learned State counsel, thus, submits that the writ application is lacking in essential details and as such be dismissed.

9. At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the writ application with liberty to pursue his remedy in accordance with law before an authority competent.

10. Permission is accorded.

11. **Accordingly, the instant writ application is dismissed as withdrawn with the liberty aforesaid.**

(Satyavrat Verma, J)

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