

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19604 of 2025

1. Tripurari Singh Son of Umesh Singh Resident of Village - Maheshwari, P.S.- Sono, District-Jamui.
2. Mohan Kumar Singh Son of Shambhu Singh, Resident of Village- Maheshwari, P.S.- Sono, District-Jamui.
3. Sunil Kumar Singh Son of Late Jalo Singh, Resident of Village Maheshwari, P.S.-Sono, District-Jamui.
4. Sikandar Singh Son of Bhotho Singh, Resident of Village-Maheshwari, P.S.- Sono, District-Jamui.
5. Yaswant Singh Son of Moti Singh, Resident of Village-Maheshwari, P.S.- Sono, District-Jamui.
6. Vilash Singh Son of Lakhan Singh, Resident of Village-Tamolijot, Tola- Charka Pathar, P.S.-Sono, District-Jamui.
7. Shyam Sundar Prasad Singh, Son of Raut Singh, Resident of Village- Kharik Tola Charka, P.S.-Sona, District-Jamui.
8. Ujabal Singh Son of Shankar Singh, Resident of Village-Chanaiya, P.S.- Charka Pathar, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate, Jamui, District-Jamui.
5. The Divisional Forest Officer, Jamui Forest Division, District-Jamui.
6. The Circle Officer, Chakai, District-Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-12-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioners seeking the following relief(s):

"(I). i) For issuance of writ in the nature of



mandamus directing the Respondents authorities particularly the District Magistrate, Jamui not to declare/settle raiyati land of the petitioners appertaining to Khata No.144 under different Khesra nos. of Mauza-Maheshwari under Sono Block, Thana No.22 Area-719 acres to forest department.

(ii) For further direction upon the respondents authorities that if at all the lands of the petitioners have been settled/declared as land of Forest Division, Jamui then the said settlement be cancelled.

(iii) For further direction upon the respondents authorities to provide detail list of land included under forest Division of Sono Block so that petitioners could ascertain actual status of their land.

(iv) For further direction upon the respondents authorities not to disturb peaceful possession of the petitioners of their respective raiyati land over which they are in uncontroverted cultivable possession from generation to generation.

(v) For any other relief /reliefs for which the petitioners are found entitled in the facts and circumstances of the case."

2. Mr. Pankaj Kumar Sinha, learned counsel appearing for the petitioners and Mr. Sheo Shankar Prasad, learned counsel appearing for the State-respondents nos. 1 to 5 are present and they are heard.

3. It is submitted by the petitioners' counsel that the area of the land in question is 719 acres which is recorded as Gairmajarua Muqararidar land. The said land was mutated in favour of the petitioners' ancestors and thereafter Jamabandi



was also created which remains unchallenged till date and continues to stand in their name and the said land pertains to Khata No.144 under different Khesra numbers situated at Mauza-Maheshwari under Sono Block, Thana No.22 and the lands were settled by the ex-landlord much prior to the abolition of the Zamindari in the name of the ancestors of petitioners and since the date of settlement, the settlees have been in peaceful cultivating possession. It is further submitted that suddenly the forest department vide letter no. 1460 dated 28.09.2016 notified the lands in question as forest land without giving any opportunity of hearing to the petitioners. It is lastly submitted that the petitioners have approached to the Collector, Jamui Bihar vide representation dated 20.09.2025 (Annexure-P/4) for redressing their grievance.

4. On the other hand, learned counsel appearing for the State-respondents submits that the issue raised in this writ application clearly involves the legality of the petitioners' claimed title and possession which cannot be decided by this writ court.

5. Heard both the sides and perused the relevant materials. In view of the averments made by the petitioners in this writ application, this court is of the view that the issue



raised by the petitioners particularly their claim of title over the land in question, requires sufficient evidence and the same also relates to a complex question of title and possession, so, this court is not persuaded to invoke its writ jurisdiction to redress the petitioners' grievances. However, the Collector, Jamui is directed to dispose of the petitioners' representation dated 20.09.2025 (Annexure-P/4) as per the provision of law and according to merit within next eight weeks from the date of receipt or production of a copy of this court's order. Accordingly, the instant writ petition stands disposed of.

6. Petitioners shall be at liberty to approach the civil court for adjudication of the issue raised by them in this writ application particularly for declaration of their title and possession over the land in question, if they prefer this remedy then the time spent by the petitioners in this writ application shall be excluded while computing the necessary limitation period.

(Shailendra Singh, J)

Rajiv/-

U			
---	--	--	--

