

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19020 of 2025

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1. Mahendra Ray alias Mahendra Rai, Son of Late Jay Lal Ray, Resident of Village Chandpura, PO- Fatehpur, P.S.- Raghapur, District- Vaishali (Bihar).
 2. Chhotu Kumar Son of Late Lakhindra Ray, Resident of Village Chandpura, PO- Fatehpur, P.S.- Raghapur, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Vaishali at Hajipur, Bihar.
2. The Collector, Vaishali at Hajipur (Bihar).
3. The Circle Officer, Block- Raghapur, District- Vaishali at Hajipur.
4. Lagandeo Ray, Son of Late Saryug Ray, Resident of Village Chandpura, P.O.- Fatehpur, P.S.- Raghapur, District- Vaishali (Bihar).
5. Mahadeo Ray, Son of Late Saryug Ray, Resident of Village Chandpura, P.O.- Fatehpur, P.S. Raghapur, District- Vaishali (Bihar).
6. Sahdeo Ray, Son of Late Saryug Ray, Resident of Village Chandpura, P.O.- Fatehpur, P.S. Raghapur, District- Vaishali (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Singh, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-11-2025 The instant writ petition has been filed by the

petitioners under Article 226 of the Constitution of India

seeking the following reliefs :-

“i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the order having serial no. 251 issued by the Circle Officer, Raghapur, District Vaishali (Hajipur) in Basgit Purchase Case No 04/2012-13, whereby the Respondent Circle Officer accepted and allowed the application of Private Respondent No. 4 to 6 and further issued Basgit parcha of land of the petitioners



pertaining to Khata No. 80, Plot No.-102, Area (Rakba)-9 decimal, Mauza Chandpura, Thana No. 408, Block Raghupur, District - Vaishali in the joint name Private Respondent No. 4 to 6 without following the due procedure of law laid down for this purpose name of land even in utter violation of principal of natural justice.

ii) For issuance of writ in the nature of mandamus or any other appropriate writ commanding the Respondent Circle Officer to initiate de novo process and pass appropriate order afresh with regard to application of Private Respondents for issuing Basgit Parcha of land in question issuing notice to the petitioners in proper way and conducting enquiry in proper manner.

OR ALTERNATIVELY

iii) For issuance of writ in the nature of mandamus or any other appropriate writ / direction / order for commanding the Respondent concerned to dispose of the connected Appeal Case No. 40/2021-22 (Mahendra Ray & Anr Vs. Lagandeo Ray & others) within a reasonable period, which is pending the before the Court of Learned Collector, Viashali for adjudication since Jan 2022.

iv) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

2. Mr. Sushil Kumar Singh, learned counsel for the petitioners and Mr. S. Raza Ahmad, learned AAG-5 for the State-respondents, are present and they are heard.

3. It is submitted by petitioners' counsel that



petitioners' own land, which came to the petitioners in the family partition, was entered in the Revisional Survey in the name of the petitioners and thereafter, on the application of the private respondent Nos. 4 to 6, the Circle Officer, Raghapur (respondent No. 3) accepted their prayer for issuance of *Basgit Pracha* of the land of the petitioners and consequently, petitioners' land was allotted to them without giving any opportunity of hearing to the petitioners and without adopting the procedure of law and the said order of the Circle Officer has been challenged by the petitioners before the Collector, Vaishali (respondent No. 2), by way of Appeal Case No. 40/2021-22, which is not being decided for a long time and the petitioners have suffered a lot.

4. Learned AAG-05 for the State-respondents submits that as the petitioners' appeal is pending before the Collector, Vaishali (respondent No. 2), so, the said Collector may be directed to decide the petitioners' appeal at the earliest.

5. Considering the aforesaid submissions, this Court is of the view that the issue raised by the petitioners in this writ petition is premature for consideration under the writ jurisdiction of this Court, however, the Collector, Vaishali (respondent No. 2), is directed to decide the petitioners' Appeal



Case No. 40/2021-22 after hearing all the parties, according to merit, within three months from the date of receipt of a copy of this Court’s order or production of the same. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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