

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.242 of 2025

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Urmila Pandey Wife of Radheshyam Pandey, R/O- Vill- Chausa, P.O.-
Chausa, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Reforms
Department, Patna, Bihar.
2. The District Magistrate, Buxar.
3. The Sub-Divisional Magistrate, Buxar, District- Buxar.
4. The Circle Officer, Chousa, District- Buxar.
5. The SHO, Buxar (Mufassil), District- Buxar.
6. Ugani Devi, Wife of Dindayal Pandey, D/O- Late Ramji Pandey, R/O- Vill-
Chousa, P.O.- Chousa, P.S.- Buxar (M), District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr. Standing Counsel (08)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2025 1. Heard learned counsel for the petitioner and
learned Standing Counsel-8 for the State.

2. The learned counsel for the petitioner submits that
the land pertaining to Khata No.527, Khesra No.298, area about
120 square feet at Mauza-Chousa, Thana No.2, District- Buxar
is a government land and is being used by the parties as ‘Rasta’
(passage) for many years. It is also submitted that in
Measurement Case No.10 of 2004-05, the Anchal Amin in his
report has specifically stated that the said land measuring 20 feet
x 7.03 feet had been encroached from East by Ugani Devi



(respondent no.6) as would manifest from the report of the Halka Karmchari in Measurement Case No.10 of 2004-05 (Annexure-P/1), on which the learned counsel appearing on behalf of the State submits that Anchal Amin had merely submitted a report, but then, the writ petition is completely silent that as to whether any order based on the said report was passed or not, hence, it cannot be construed that respondent no.6 had encroached the land in question.

3. The learned counsel appearing on behalf of the petitioner submits that respondent no.6 on 03.04.2017 purchased land pertaining to Khata No.529, Khesra No.298, area 120 square feet at Mauza-Chousa, Thana No.2, District- Buxar, but at the time of mutation, the description of the land was given as Khata No.527, Khesra No.298, area 120 square feet at Mauza-Chousa, Thana No.2, District- Buxar and thereafter, the land was mutated in the name of the respondent no.6.

4. The learned counsel for the petitioner submits that respondent no.6 purchased land pertaining to Khata No.529, but while getting the land mutated, described the said land as pertaining to Khata No.527, as such, forgery was committed, on which learned counsel for the State submits that if petitioner is aggrieved by the fact that mutation in the name of respondent



no.6 has been done based on fraudulent documents, in that event, the petitioner has remedy of getting the mutation cancelled, but then, from the pleadings made in the writ application, it appears that the petitioner has not moved before any authority competent for getting the order of mutation cancelled.

5. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed for setting aside the order dated 11.09.2024 passed by the S.D.O., Buxar Sadar in Case No.6 of 2024, whereby he has allowed respondent no.6 to construct boundary wall over the disputed land pertaining to Khata No.527, Khesra No.298, area 120 square feet. It is submitted that if the said order is allowed to remain, in that event, the petitioner will have difficulty in his egress and ingress. It is also submitted that S.D.O. did not had any power to pass the said order under the Bihar Land Dispute Resolution Act, 2009.

6. The learned State counsel submits that the submission made by the learned counsel appearing on behalf of the petitioner is fit to be rejected for the reason that order of mutation with respect to the land in question is in favour of the respondent no.6, as such, the respondent no.6 had approached



the S.D.O., Buxar seeking a protection from the petitioner and others as they were disturbing her possession over the land based on which, the S.D.O. for maintaining law and order passed the order impugned and it is not an order passed under the Bihar Land Dispute Resolution Act as it is being made out to be by the learned counsel appearing on behalf of the petitioner. The learned State counsel further submits that the petitioner also appeared before the S.D.O. and never objected to his jurisdiction, nor raised any of the submissions as pleaded and raised in the writ application, which amply demonstrates that the writ application is bereft of any merit and thus, is fit to be dismissed.

7. Considering the submissions made by the learned counsel appearing on behalf of the State, the Court finds no merit in the writ application and thus, is dismissed.

(Satyavrat Verma, J)

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