

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.7 of 2024
In
Civil Writ Jurisdiction Case No.12398 of 2023

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1. Shyam Narayan Prasad, Son of Late Hari Narayan Prasad, Resident of Village-Hajipur, P.O. Korari, P.S.-Nagarnausa, District-Nalanda.
 2. Manju Kumari, Wife of Sri Narendra Kumar, Resident of Village- Korari, P.O. Korari, Police Station - Nagarnausa, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, New Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna
5. The Sub-Divisional Officer, Patna City, District-Patna.
6. The Circle Officer, Patna Sadar, Patna.
7. The Officer-in-Charge, Alamganj Police Station, Police Station Alamganj, District-Patna.
8. Ramashankar Prasad, Son of Lal Babu Prasad Resident of Babuaganj, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rupak Kumar, Advocate
For the Respondent/s : Mr.Addl. Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

2 21-07-2026 The instant Letters Patent Appeal is directed against the order dated 05th December, 2023 in C.W.J.C. No. 12398 of 2023 passed by the learned Single Judge dismissing the writ petition with a liberty to the writ petitioners/appellants to seek appropriate relief before the Civil Court. It is found from



perusal of the original writ petition that the prayer of the appellants/petitioners before the writ Court was absolutely vague.

2. The writ petition was filed with the following prayer :-

“The present application has been filed for directing the State-respondents, especially District Magistrate and Senior Superintendent of Police, Patna for providing protection to life, personal liberty and property exists in Thana No. 11, Tauji No. 303, Khata No. 618, Plot No. 1284 area measuring 5.5 decimal purchased for residential house.”

3. It is contended by the learned Advocate for the appellants that the appellants jointly purchased 5.5 decimal of land more-fully described in the prayer portion quoted hereinabove, but due to the disturbance caused by private-respondent No. 8, they are not in a position to take possession of the said land. The writ petitioners/appellants filed applications before the Circle Officer (Annexure 3) to get measurement of the land in question. However, the order of the writ Court shows that the Circle Officer could not take measurement of the said land as he found the land to be unidentifiable.

4. It is submitted by the learned Advocate for the



appellants that the appellants will be able to identify the land to the Circle Officer at the time of taking measurement.

5. Since the appellants have claimed that they can identify the land in question, we are of the considered opinion to give an opportunity to the appellants for identification of the land for the purpose of measurement by the Circle Officer.

6. For the reasons stated above, the impugned order passed by the learned Single Judge is set aside.

7. The appeal is allowed on contest directing the appellants to apply before the Circle Officer within three weeks from the date of the order. The Circle Officer (respondent No. 6) shall fix a date for taking measurement of the land in question. On the date fixed, the appellants and the private respondent No. 8 shall be present and on the basis of the identification of the land, the Circle Officer shall ascertain as to whether the land in question comprise of Thana No. 11, Tauji No. 303, Khata No. 618, Plot No. 1284 area measuring 5.5 decimal. The Circle Officer shall also examine the purchase deed(s) of the appellants to ascertain the land in question before taking measurement of the same. The report of such measurement shall be handed over to the appellants after measurement.

8. The appellants shall deposit the cost of



measurement as applicable in the Office of the Circle Officer.

9. With the above direction, the instant appeal is disposed off.

(Bibek Chaudhuri, J)

(Rana Vikram Singh, J)

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