

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1447 of 2026

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Deepak Kumar Mandal S/o- Sajjan Mandal @Sangam Kumar Mandal
@Sanjam Kumar Mandal, R/o- Hathapur Parsa, P.O and P.S.- Basopati,
District- Madhubani, Bihar. (847225)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The Land Acquisition Officer, Madhubani.
6. The Sub-Divisional Officer, Jaynagar, Madhubani.
7. The Circle Officer, Basopati, Madhubani.
8. Gangai Mandal, S/o- Late Dhanpat Mandal, R/o- Hathapur Parsa, P.O and P.S.- Basopati, District- Madhubani, Bihar.(847225).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shubhankar Raj, Advocate
		Mr. Umesh Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader 20

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 31-01-2026

Heard Mr. Shubhankar Raj along with Mr. Umesh Kumar, learned counsels appearing on behalf of the petitioner and learned GP 10 for the State.

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“(i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing the part of Land Possession Certificate issued on 02/01/2024



by the Circle Officer, Basopati in the favour of Private Respondent no.8, with respect to Khata no.543 (old); 840(new), Khesra no.2201(old); 4471 (new), Rakba-0-2-10 (two kattha 10 dhur), situated in Mauja- Hathapur Parsa, Anchal- Basopati, District- Madhubani. As the Land possession certificate for the same khata and khesra has been issued by the Circle Officer, Basopati in the favour of petitioner's father (Sajam Kumar Mandal) and uncle namely, Rajaram Kr. Mandal, Nageshwar Mandal on 28/03/2023.

ii) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondents to pay the compensation amount of the land in question as decided by the concerned authority for the Bharat Mala Yojana.

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

3. Learned counsel appearing on behalf of the petitioner in respect of the relief as sought for in the present writ petition submitted that as per Register II, the jamabandi No.141 stands in the name of the father of the petitioner in respect of Khata no.543 (old) corresponding 840(new), Khesra no.2201(old), 4471 (new), total area 2 kattha 10 dhur, situated in



Mauja- Hathapur Parsa, Anchal- Basopati, District- Madhubani. Learned counsel informs that in the west of the said piece of land possessed by the petitioner there is a road. The land was purchased *vide* registered sale deed dated 29.08.1979 by the grandfather of the petitioner, namely, late Ramswoop Mandal and thereafter a compromise petition was filed by the parties before the Deputy Collector, Land Revenue, Madhubani and the same was disposed of *vide* order dated 29.01.1980. Learned counsel submitted that undisputedly at least from 29.01.1980, the petitioner's ancestors remained in possession of the said land and now the petitioner is in the possession of the said land. However, to disturb the title of the petitioner, on the basis of an application made by cousin of the petitioner, he obtained a land possession certificate from the concerned Circle Officer on 02.01.2024. The Circle Officer without inquiry and considering the background in which the petitioner is in possession of the land on the basis of the recorded evidence and compromise entered between the parties, has issued land possession certificate without having jurisdiction, forcing the petitioner to file the present writ petition.

4. *Per contra*, learned counsel appearing on behalf of the State submitted that the petitioner without availing the



appropriate remedy has straight away come before this Court. However, the petitioner may approach the District Magistrate-cum-Collector, Madhubani to challenge the action of the Circle Officer, Bassopati in order to get cancellation of the land possession certificate issued in the name of Gangai Mandal (respondent no.8) in accordance with law.

5. Heard the parties.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the records and the documents annexed to the writ petition in support of the pleadings made in several paragraphs, I find that the petitioner has *prima facie* made out a case that by a registered sale deed dated 29.08.1979 the ancestors of the petitioner came into possession of the disputed land for which the Circle Officer as recently has issued land possession certificate in the name of respondent no.8 on 02.01.2024. The Circle Officer without having given any opportunity to the petitioner and without going through the evidences which the petitioner have brought on record along with the present writ petition has acted beyond his jurisdiction. Action of the Circle Officer being *mala fide* having issued land possession certificate in the name of private respondent no.8 without giving any opportunity to the petitioner



and also not verifying the revenue records based on any inspection of the land calls for interference of this Court.

7. In such circumstances, this Court don't have any alternative than to render the land possession certificate issued in favour of the private respondent no.8 in-operational.

8. As I have already held the land possession certificate issued in favour of respondent no.8 in-operational, the petitioner, if so advised, may file a detailed application before the District Magistrate-cum-Collector, Madhubani. The District Magistrate-cum-Collector is directed to call for the revenue records relating to the land in dispute, being the subject matter of the present writ petition from the Circle Office, Basopati.

9. The Circle Officer must forthwith after having been informed about this order produce all the records before the District Magistrate-cum-Collector, Madhubani. He must appear before the Collector along with the petitioner and respondent no.8 within one week from the date of communication of this order. In case, he fails to do so, then the District Magistrate must take action against the Circle Officer for his *malafide* act in not producing the records and appearing before him along with the petitioner. Once the District Magistrate-cum-Collector receives



the records from the Circle Office, he is required to go into the evidences and see that whether the Circle Officer has exceeded his jurisdiction and has issued the land possession certificate under any undue influence and if he fins so, then action is required to be taken against the concerned Circle Officer after hearing all the parties within a period of six weeks from the date of communication of this order.

10. The writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2026
Transmission Date	NA

