

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1682 of 2026

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1. Upendra Nath Tiwari
 2. Satendra Tiwari @ Satyendra Tiwari
 3. Shailendra Tiwari
 4. Rajendra Tiwari
All the above are sons of Late Sukdeo Tiwari.
 5. Rohan Kumar Tiwari Son of Late Nagendra Tiwari
All are resident of Village- Harihans, P. S. -Husainganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Siwan.
2. The Additional Collector-cum-Addl. District Magistrate, Siwan.
3. The Circle Officer, Husainganj Anchal, Siwan.
4. The District Co-Operative Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suresh Mishra, Advocate
For the Respondent/s : Mr.Sita Ram Yadav, GP 16

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-02-2026 Heard Mr. Suresh Mishra, learned counsel appearing

on behalf of the petitioners and Mr. Sita Ram Yadav, learned GP

16 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:-

“i. For issuance of an appropriate writ/writs. order/orders in the nature of mandamus directing the respondents not to disposes the petitioners relating to the land situated at Village/Mauza-Harihas, Tauzi No.5487, Thana No.362, Khata No.428, Khesarn No.5831. Area-07



Kattha 16 Dhur over which they are in peaceful possession by constructing Bathan for animals and cultivating the vegetable crops since about 1935 and paying revenue rent to the government after creation of Jamabandi in the name of their common ancestor namely Late Sukdeo Tiwari.

ii. For issuance of an appropriate writ/writs, order/orders in the nature of mandamus commanding the respondents not to proceed with any work of construction over the land in question.

iii. For issuance of an appropriate writ/writs, order/orders in the nature of mandamus commanding the respondents without following due process of acquisition and payment of compensation not to proceed to take over the land in question.

iv. For granting any other relief/reliefs for which the petitioner found to be entitled for the same.

v. To permit the petitioners to add any relief or reliefs if the occasion arises.”

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are descendants of the original settlee, in whose favour Settlement of Land Case No. 40 of 1959–60 was initiated. In the said proceeding, the Circle Officer concerned recommended settlement of land bearing Khata No. 428, Khesra No. 5831, measuring an area of 7.16 dhurs, which was finally adjudicated in accordance with law and settled in favour of the petitioners vide order dated 16.01.1963. The settlement proposal was duly approved by the Sub-Divisional Officer, Siwan, vide order dated 27.02.1962. The petitioners have brought on record xerox copy of the certified



copy of the entire order-sheet in respect of the settlement of above numbered settlement case.

3. Learned counsel has further given information in paragraph no.14 of the writ petition that local administration is bent upon dispossessing the petitioners from the land in question on the pretext of carrying out measurement of the said land. It has further been stated in paragraph no. 10 that the Circle Officer and the Amin of the Circle Office, Hussainganj, visited the land in question and conducted measurement thereof without issuing any prior notice to the petitioners, allegedly for the purpose of construction of a PACS go-down.

4. The petitioners have filed the present writ petition under a *bona fide* apprehension that they may be illegally dispossessed from the land in question, which had been duly settled in their favour long back in the year 1963. The petitioners have been in continuous and peaceful possession of the said land and since then they have been regularly paying rent, in support of which several rent receipts have been brought on record. The Circle Officer has attempted to dispossess the petitioners, instead of generating *jamabandi* in respect of the land over which the petitioners are in lawful possession.

5. Considering the nature of the dispute, I find that the



petitioners have not availed remedy of obtaining a computerized *Jamabandi* and, instead, they have preferred the present writ petition under the garb of an apprehended threat of dispossession by the Circle Officer. I do not find that the writ petition deserves any merit. However, the petitioners have been able to make out a case that they have been in possession of the land since long and the land had finally been settled in their favour by a competent authority in the year 1963. Since then, the petitioners have been continuously paying rent to the State Government.

6. The petitioners, if so advised, may file an application in the prescribed format for generation of a computerized *jamabandi* in their favour, so as to enable them to make uninterrupted payment of rent in respect of the land in question, as fixed by the State Government long back.

7. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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