

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2070 of 2024

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Nilu Kumari W/o Ranjit Kumar R/o House No. 26, Ubhai, P.S.- Manpur,
Gaya, Bihar- 824209

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land and Revenue Department, Bihar, Patna.
2. The Collector, Gaya.
3. The Land Reforms Deputy Collector, Gaya.
4. The Circle Officer, Manpur.
5. The Chief Conservator of Forest, Technology Bhawan 4th Floor of Vishveshwariya Building, Punaichak, Patna.
6. The Divisional Forest Officer, Forest Division, Mohalla New Karimganj, P.S.- Civil Line Town, District- Gaya.
7. The Additional Collector, District Registration Officer, Gaya.
8. District Sub Registrar, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Respondent/s : Mr. Mujtabul Haque, Government Pleader (12)

Mr. Pranoy Kumar, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
CAV JUDGMENT

Date : 25-03-2026

1. Petitioner is a proposed purchaser of a piece of land situated in Khata No. 76, Plot No. 14, Thana No. 320, village- Bhadeja, Anchal- Manpur, District- Gaya. She has filed the present writ application for quashing of order no. 109 dated 22.07.2023 passed by the Collector -cum- District Registrar,



Gaya, whereby, he has refused to pass any order permitting sale / purchase / registration of the aforesaid land. The petitioner has further prayed for a direction to the respondents authority to register the land in question in favour of the petitioner.

2. Background facts of the case is that the aforesaid land was recorded as “Bakast Malik” and was settled by the ex-landlord namely, Bisheshwar Lal Nakofa in favour of one Bibi Batulan, mother of one Md. Shakir in the year 1938-39.

3. Upon abolition of Zamindari system, the ex-landlord submitted return Jamabandi in Compensation Case No. 105/13 of 1953-54 and demand register was opened in the name of Bibi Batulan. During revisional survey operation the heirs of the ex-landlord got their names recorded in respect of entire land including the portion of settled land. A proceeding under Section 106 of the Bihar Tenancy Act was initiated in Title Suit No. 431 of 1980 at the instance of Bibi Batulan which was decided in favour of the claimant holding the revisional survey entry to be incorrect insofar as it related to the land settled with Babi Batulan. After demise of Bibi Batulan her son namely Md. Shakir came in possession of the land in question and was paying rent.

4. In the year 2005 dispute arose when Forest Department



interfered with the land for plantation purposes leading to initiation of proceeding under Section 144 Cr.P.C. claiming the land in question as a forest land on the basis of notification published in official gazette in the year 1948 as well as in the year 1952-53 declaring the land as a protected forest. Thereafter, Title Suit No. 29 of 2005 (307 of 2005) was filed by Md. Shakir seeking declaration of title and possession over the disputed land.

5. During pendency of the aforesaid suit, Md. Shakir filed an application under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure praying for an order of injunction restraining the defendants from interfering in the peaceful possession over the suit land. The concerned court after due consideration allowed the said application vide order dated 06.06.2006 restraining the defendants from entering upon the suit land and disturbing the possession of the plaintiff during the pendency of the suit.

6. Against the order of injunction, Miscellaneous Appeal No. 13 of 2006 / 14 of 2006 was filed by the defendants before the District Judge which was dismissed vide order dated 22.02.2007. Aggrieved by the same the defendants filed CWJC No. 9610 of 2010 before this Court which was also dismissed



vide order dated 16.04.2014 and direction was given to the court below to take steps for expeditious disposal of the title suit preferably within a period of nine months from the date of receipt / production of the order.

7. During pendency of the aforesaid suit, Md. Shakir executed a registered sale deed dated 24.03.2011 in favour of one Punam Sharma pursuant to which the suit land was mutated in her name and rent receipts were also issued in her favour. Subsequently, Punam Sharma executed another registered sale deed bearing Sale Deed No. 17369 dated 05.12.2016 in favour of one Sachidanand Singh and three others. Thereafter, Sachidanand Singh along with three others transferred the land in question to the present petitioner- Nilu Kumari. In pursuance thereof, on 16.06.2020 the petitioner along with the intended vendor presented the sale deed before the Sub-Registrar, Gaya for registration, however, the same was not entertained by the registering authority.

8. The Sub Divisional Forest Officer, Gaya by letter no. 5050 dated 26.12.2020 requested the registering authorities not to register the sale documents pertaining to the subject land saying that the same constitutes forest land. The District Magistrate was also requested to cancel the demand opened in



respect of the said land by certain local persons on the basis of fake documents / Hukumnama.

9. Aggrieved by the said communication, Md. Shakir preferred CWJC No. 6933 of 2021 which came to be disposed of by order dated 30.01.2023 whereby Md. Shakir was directed to file a detailed representation before the District Magistrate cum- Registrar, Gaya. This Court also granted liberty to Md. Shakir to approach the trial court by filing an appropriate application in the event he intended to sell the land in question. The District Magistrate, Gaya on the representation of the petitioner passed the impugned order no. 109 dated 22.07.2023 whereby he decided not to pass any order / decree till the disposal of the pending title suit and the restriction upon the registering authority shall be maintained with regard to the land in question.

10. The aforesaid order dated 22.07.2023 bearing order no. 109 was earlier challenged by Md. Shakir in CWJC No. 13507 of 2023 which was disposed of as not pressed on 03.10.2023 however liberty was granted to Md. Shakir to pursue appropriate remedy before the learned Civil Court in the pending Title Suit No. 29 of 2005 / 307 of 2005. The petitioner instead of approaching Civil Court in pending Title Suit No. 29



of 2005 (307 of 2005) has filed the present writ application challenging the same impugned order which was the subject matter of CWJC No. 13507 of 2023.

11. Learned counsel for the petitioner argued that the impugned order passed by the Collector -cum- District Registrar, Gaya suffers from a clear lack of jurisdiction and is ex facie unsustainable in law. On the basis of the said order the Sub Registrar, Gaya has refused to entertain any document relating to sale / purchase / transfer of the land in question. Such action is wholly illegal and contrary to law as the registering authority has no jurisdiction to refuse registration on such grounds, the same being beyond the scope of Section 71 of the Registration Act, 1908. At the time of registration the registering authority cannot adjudicate upon or examine the title of the property.

12. It has further been argued that the suit land was “Bakast Malik” and not “Gair Mazarua Aam” land and the predecessor- in -interest of the petitioner Md. Shakir has been continuing in possession since 1938. The order dated 16.04.2024 passed in CWJC No. 9610 of 2010 has never been challenged by the Forest Department thus attained finality. Despite such clear judicial pronouncement the Forest Department has continued to



interfere through executive letters which is impermissible in law. The Circle Officer, Manpur by his report has stated that the land in question is not forest land however, the said report has been completely ignored by the Collector while passing the impugned order. This Court in CWJC No. 9610 of 2010 had directed the trial court for expeditious disposal of the pending title suit within a stipulated time yet the suit has remained pending for years without effective adjudication.

13. Learned counsel relied upon the judgment passed by Division Bench of this Court in LPA No. 129 of 2021 (Kumar Gaurav vs The State of Bihar).

14. Per contra, learned counsel for the respondents argued that the present writ application is wholly misconceived and not maintainable in law. The land in question is admittedly the subject matter of Title Suit No. 29 of 2005 (307 of 2005) pending before the competent Civil Court at Gaya. The dispute is not isolated but is deeply embroiled in multiple litigations as apart from the aforesaid suit, three other title suits have also been filed concerning the same land. Such multiplicity of proceedings conclusively demonstrates that there is no clear, settled or undisputed title in favour of the petitioner or his predecessor- in- interest. Serious and complex questions relating



to title, nature of land and applicability of forest laws are involved inasmuch as rent receipts allegedly issued in favour of the mother of Md. Shakir were granted without any lawful mutation, without jurisdiction or without conducting any enquiry regarding the nature of land. The issuance of such rent receipts by Anchal Officials was in blatant violation of explicit Governmental instructions prohibiting issuance of rent receipts in respect of notified or demarcated forest land.

15. Learned counsel further submits that entire claim of the petitioner is founded upon forged, fabricated and manufactured documents which do not confer any right, title or interest in the eye of law. The alleged settlement of 17 Acres of land by the ex-landlord is categorically denied. The Hukumnama, Zamindari rent receipts and Cess Revaluation Return were fabricated documents created solely with the object of usurping the demarcated forest land belonging to the Forest Department. It has further been submitted that the petitioner and her predecessor -in- interest has never been in actual physical possession of the disputed land and under the garb of interim injunction proceedings under Order 39 Rule 1 & 2 C.P.C. has attempted to encroach upon the notified forest land. All transfers executed without valid title or possession is void, non-est and



illegal and none of the purported purchasers are in possession. These transactions were undertaken only to create artificial third party interests in forest land which disentitles the petitioner to any equitable or discretionary relief under Article 226.

16. There is no violation of any injunction order nor any contempt of the directions of this Court. In CWJC No. 6933 of 2021 liberty was specifically granted to the petitioner to approach the competent civil court for permission in case of any proposed alienation. In absence of any declaration of title or express permission of the Civil court, the respondents are justified in maintaining status quo.

17. Lastly, it has been submitted that the claim of the Forest Department is founded upon statutory notifications issued under Section 29 of the Indian Forest Act, 1927 reinforced by the provisions of the Forest Conservation Act, 1980 and directions of the Hon'ble Supreme Court in T.N. Godavarman Thirumulpad v. Union of India. Rent receipts or unregistered Hukumnama cannot override statutory forest notifications. Therefore, the writ application being devoid of merit deserves to be dismissed.

18. I have heard learned counsel for the parties and gone through the materials on record.



19. The land in question is a disputed land inasmuch as on the one hand the petitioner is claiming through her predecessor-in-interest that the land was settled by the ex-landlord through Hukumnama and her predecessor -in-interest has been coming in peaceful possession over the land whereas on the other hand the case of the State authorities is that the land was notified as a protected forest by proper notification in the year 1948 & 1953. It is also the case of the respondent-State that the claim of the petitioner is founded upon forged, fabricated and manufactured documents which do not confer any right, title or interest in the eye of law. The Hukumnama, Zamindari rent receipts and Cess Revaluation Return were fabricated documents created solely with the object of usurping demarcated forest land belonging to the Forest Department.

20. Admittedly the predecessor -in- interest of the petitioner had filed Title Suit No. 29 of 2005 (307 of 2005) which is pending before the competent authority and apart from the aforesaid suit three other title suits have also been filed concerning the disputed land. The multiplicity of proceedings pertaining to the subject land demonstrates that there is no clear, settled or undisputed title in favour of the petitioner or her predecessor -in- interest.



21. Complex question of title vis-a-vis question of law pertaining to protected forest are involved in this case, as such, directing the registering authority to register the disputed land will further complicate the situation. This Court in earlier writ petitions filed by the petitioner's predecessor-in-interest had given liberty to take permission from the competent Civil Court in the pending suit for sale of the disputed property. Interference by this Court during pendency of the suit under its extraordinary writ jurisdiction is not warranted in the facts of the present case.

22. Considering the fact that complex question of title, claim of the petitioner and / or her predecessor-in-interest vis-a-vis the claim of the Forest Department is involved in this writ application, accordingly, this Court cannot direct the registering authority to register the land in question in favour of the petitioner. The judgment of Division Bench relied upon by the petitioner is not applicable in the facts of the present case.

23. In view of the aforesaid discussions, this Court is of the considered opinion that the present writ application involves serious and disputed question of title vis-a-vis the nature of the land as protected forest, accordingly, no positive direction can be issued to the registering authority for registration of the subject land.



24. The writ application is devoid of any merit and is accordingly dismissed.

(Anil Kumar Sinha, J)

praful/-

AFR/NAFR	AFR
CAV DATE	12-01-2026
Uploading Date	25-03-2026
Transmission Date	NA

