

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1881 of 2026

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Kailash Prasad @ Kailash Vyas S/o Late Madan Vyas @ Madan Lal Vyas, resident of 125, Koat Bazar, Behind Chulahi Sah Dhramshala, P.S.- Sitamarhi, Distt.- Sitamarhi, Proprietor of New Parivar Saree Kendra, Goenka College Premises, Nagar Nigam Sitamarhi, P.S.- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sitamarhi.
2. The District Magistrate Sitamarhi, Distt. - Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi Sadar, Distt. - Sitamarhi.
4. The Deputy Collector Land Reforms (DCLR), Sitamarhi Sadar, Distt. Sitamarhi.
5. The Circle Officer, Dumra, Distt. - Sitamarhi.
6. The Chairman, Nagar Nigam, Sitamarhi, Distt.- Sitamarhi.
7. The Executive Officer, Nagar Nigam, Sitamarhi, Distt. - Sitamarhi.
8. The Municipal Commissioner, Nagar Nigam, Sitamarhi, Distt. - Sitamarhi.
9. The Chairman, Nagar Parishad, Sitamarhi, Distt. - Sitamarhi.
10. The Executive Officer, Nagar Parishad, Sitamarhi, Distt. - Sitamarhi.
11. Ghanshyam Vyas, S/o Late Madan Vyas @ Madan Lal Vyas, resident of village- Kot Bazar, Nagar Nigam Sitamarhi, P.S.- Sitamarhi, Distt.- Sitamarhi.
12. Asha Vyas, W/o Kailash Prasad @ Kailash Vyas, resident of 125, Koat Bazar, Behind Chulahi Sah Dhramshala, P.S.- Sitamarhi, Distt.- Sitamarhi, Proprietor of New Parivar Saree Kendra, Goenka College Premises, Nagar Nigam Sitamarhi, P.S.- Sitamarhi, Distt.- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
	:	Mr. Krishna Prabhat, Advocate
For the State	:	Mr. Standing Counsel (4)
For the Resp. No.11	:	Mr. Sharda Nand Mishra, Advocate
	:	Mr. Anil Kumar Sinha, Advocate
For the Resp. No.10	:	Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-05-2026 Heard Mr.Mahendra Thakur, learned counsel for the

petitioner and learned counsel representing the State as also

learned counsel representing the respondents.



2. The present petition has been preferred for the grant of following relief(s):

“for issuance of a writ in the nature of certiorari for quashing the order dated 23.09.2025 passed by the learned Deputy Collector Land Reforms (Respondent No.4) in BLDRA Case No. 30/2023-24, whereby the possession of the petitioner over the land in question, on which his shop namely New Parivar Saree Kendra is situated in Shop No. 122/1986-87, Mauza-Sitamarhi, within the premises of Goenka College, Ward No. 14, P.S. and District-Sitamarhi, has been declared illegal by treating the said land as Khas Mahal, without duly considering the petitioner's case and submissions. And for any other appropriate writ/writs, direction/directions, order/orders, as this Hon'ble Court thinks fit and proper in the facts and circumstance of this case.”

3. The counter affidavits have come pursuant to the order dated 10.03.2026 and learned counsel for the petitioner candidly accept that the order is appealable. However, he was



pursuing the remedy before this Court and as such, the delay in filing the appeal be condoned.

4. The respondents have no objection to it.

5. In that background, the writ petition is disposed of with the observation that if the petitioner prefers an appeal within a period of four weeks from today alongwith the limitation petition, the delay in filing the said shall be condoned in view of the fact that the petitioner was litigating the matter before this Court.

6. It is expected that till a decision comes in the appeal, the status quo existing today shall be maintained. This is subject to the complete/update payment of rent.

7. If the petition is filed in next four weeks, the appellate authority shall be taking the matter to its logical conclusion in next eight weeks.

(Rajiv Roy, J)

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