

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1997 of 2026

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1. Jayant Singh @ Jayant Kumar Son of Late Uday Kumar @ Uday Kumar Singh @ Uday Singh, resident of Village and Post-Masaurha, P.S-Paliganj, District-Patna.
 2. Ajit Singh @ Ajit Kumar, Son of Late Uday Kumar @ Uday Kumar Singh, resident of Village and Post-Masaurha, P.S-Paliganj, District-Patna.
 3. Chandan Kumar, son of Late Uday Kumar @ Uday Kumar Singh, resident of Village and Post-Masaurha, P.S-Paliganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. Deputy Collector, Land Reforms, Paliganj (Patna).
3. The Circle Officer, Paliganj (Patna).
4. Nand Kishore Sharma, Son of Late Ram Naresh Singh, resident of Village and Post-Masaurha, P.S-Paliganj, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Sharma, Advocate.
For the Respondent/s : Government Pleader (19)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-02-2026 Heard learned counsel appearing on behalf of the

petitioners and learned counsel 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:-

“(1) For that the petitioners crave indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature of certiorari for quashing the order dated 13.1.2026 (Annexure-1) passed by Deputy Collector, Land Reforms, Paliganj, Patna (in short DCLR) in land Dispute Resolution Case No.44/2025-26 as contained in Annexure-P/1 whereby and whereunder learned D.C.L.R., Paliganj had wrongly and illegally declared the right of respondent. no.4 over the land in disputed Plot No.1286, Khata No.888,



Mauza Masaurha, Thana No.305, Area 2.666 dismil and Circle Officer, Paliganj and Thana-in-charge, Paliganj were directed to ensure the handover of the possession of the land in dispute.

(ii) For that to pass any order/orders, diction/direction, command/commands directing the respondents to not interference in the peaceful possession of the petitioner over the land in dispute and its use.

(iii) For that the impugned order 13.1.2026 passed by respondent no.2 in Land Dispute Resolution Case No.44/2025-26, Paliganj, Patna be declared as illegal, arbitrary and without jurisdiction.

(iv) For directing the official respondent to not take any coercive step in the light of impugned order contained in Annexure-1 till final disposal the writ application.

(v) For commanding the respondent to maintain status quo over the land in dispute till final disposal of the writ application..”

3. The brief facts of the Case are that the petitioners' father purchased 2 2/3 dismil of land with house and homestead situated at Mauza Masaurha, Thana No. 305 by registered Sale Deed No. 673 of 1979 from Late Mankali Devi, the lawful owner of the land. The original sale deed was lost, however, the petitioners obtained a certified copy thereof. Though the survey numbers are wrongly described, the boundaries, nature, and identity of the land are specific, correct, and undisputed. The Respondent No. 4 filed a Land Measurement Case No. 05/2019 for measurement of Plot No. 1287, Khata No. 829, Khesara No. 784, Mauza Masaurha, wherein Petitioner No. 3 was recorded as a boundary holder/tenant. Subsequently, a proceeding under Section 126 of the Bhartiya Nagrik Suraksha Sanhita, being Case No. 676(M)/2024 arising out of Paliganj P.S. Non-FIR



Case No. 205/24, was initiated against the petitioners. The said proceeding was closed by the Executive Magistrate, Paliganj, holding that the dispute relates to right and title of the land and the same is not amenable to summary proceedings. Despite the above finding, the Respondent No. 4 instituted Case No. 44/2025-26 under Section 4(1)(g) of the Bihar Land Disputes Resolution Act before the DCLR, Paliganj. The petitioners appeared and filed their written reply asserting lawful title and possession. The DCLR, Paliganj, without jurisdiction, directed the Anchal Adhikari and Officer-in-Charge, Paliganj P.S., to hand over possession of the disputed land.

4. The Learned counsel appearing on behalf of the petitioners submitted that the petitioners claim their title over a plot appertaining to Khata No. 888, Khesra No. 1286, Thana No. 305, Mauza – Masaurha, Area 2.666 decimal and the impugned order dated 13.01.2026 is illegal, arbitrary, and beyond the scope of the BLDR Act, as it effectively adjudicates title and possession, which the authority lacks jurisdiction to decide.

5. The record reveals that for the said disputed piece of land, two sale deeds were executed, one in the name of the petitioner and other in the name of one Nand Kishore Sharma,



Son of Late Ram Naresh Singh (respondent no.4).

6. The Revenue authorities have no power or jurisdiction to decide the complicated question of title and possession. The Hon'ble Supreme Court in the case of ***Faqrud din v. Tajuddin***, reported in, **(2008) 8 SCC 12**, in para no. 44 and 45, held as under:

44. The jurisdiction of the Board of Revenue being limited, no title could have been conferred upon the plaintiff. Title in or over a land will depend upon the statutory provisions. A title does not remain in vacuum. It has to be determined keeping in view the law operating in the field viz. religious law or statutory law or customary law, etc.

45. Revenue authorities of the State are concerned with revenue. Mutation takes place only for certain purposes. The statutory rules must be held to be operating in a limited sense. The provisions of Rule 13 of the Matmi Rules laying down a rule of primogeniture will have no application in relation to the offices of sajjadanashin and mutawalli, which are offices of different nature. They are stricto sensu not hereditary in nature. It is well settled that an entry in the revenue records is not a document of title. Revenue authorities cannot decide a question of title.

7. Considering the facts of the case as well as, the law laid down by the Apex Court in case of ***Faqrud din (Supra)***, I don't find any infirmity in the order dated 13.01.2026 passed by the Deputy Collector, Land Reforms, Paliganj, Patna in Land Dispute Resolution Case No. 44/2025-26, as the said order is based on the finding that for the said disputed land in question, two sale deeds were executed and in such circumstances, where question of title is involved over the piece of land as described



above, the Revenue Officers don't have jurisdiction to decide.
The petitioners, if so advised, may avail remedy before the
competent civil court having jurisdiction.

8. This Court has not gone into the merits that who is
in possession of the land in question as on date.

9. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

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