

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3613 of 2023

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Mahesh Thakur Son of Late Radha Thakur, Resident of Village- Seduka,
Ward No- 11, Post Office- Sadipur Ghat, Police Station and Circle- Khanpur,
Dist. - Samastipur, Pin 848117

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Old Secretariat, Bihar, Patna.
2. Collector Samastipur, District- Samastipur.
3. Circle Officer Khanpur, Samastipur.
4. The State Bhoodan Yajna Committee, Road No. 34, Gardanibagh, Patna-800002.
5. The Office Secretary (Mantri), District Bhoodan Yajna Office, Samastipur.
6. Bisheshwar Paswan Son of Late Dular Paswan, Resident of Village- Seduka, Ward No.- 11, Post Office- Sadipur Ghat, Police Station and Circle- Khanpur, Dist.- Samastipur, Pin 848117

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Nath Jha, Adv. Mr. Krishna Chand, Adv.
For the Respondent/s	:	Mr. Birendra Prasad Singh, AC to SC-19
For the Committee	:	Mr. Jitendra Kumar Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-06-2026 Heard Mr. Krishna Chand as also Mr. Shambhu Nath Jha for the petitioner, Mr. Birendra Prasad Singh, learned State Counsel and Jitendra Kumar Rai for the Bihar Bhoodan Yajna Committee.

2. The present application has been preferred for the following reliefs:

i. for issuance of appropriate writ(s) /rule(s)/ direction(s) in the nature certiorari, commanding of concerned



respondents, the for restraining the Respondents 3rd Set from forcibly taking possession of 13 decimal (3 katha) land, situated at Mauza- Sedukha, Thana No 215, Old Khesra No 1595 and corresponding new Khesra Nos. 1427 to 1420, Khata No. 50 (old), Circle Khanpur, District-Samastipur, as per the Letter No 1019 dated 14.10.2018, issued by the Office Circle Officer Khanpur Secretary (Mantri), to the District Bhoodan Yajna Office, Samastipur.

ii. For issuance of direction respondent concerned to the for making necessary correction in the boundary of petitioner's 3 katha ancestral land situated at Mauza-Sedukha, Thana No 215, Old Khesra No 1595 and corresponding new Khesra Nos. 1427 to 1420, Khata No. 50 (old), Circle Khanpur, District- Samastipur, which has been clearly mentioned in the Representation dated 19.11.2016 and 26.11.2016 submitted by the petitioner before the Office Secretary (Mantri), District Bhoodan Yajna Office Samastipur and the Circle Officer, Khanpur, Samastipur respectively.

iii. For issuance of appropriate direction to the Circle to Samastipur, Officer Khanpur, not disturb the peaceful possession of the petitioner upon his ancestral and raiyati 3 katha land sitated at Mauza- Sedukha, Thana No 215, Old Khesra No 1595 and



*corresponding new Khesra Nos. 1427 to 1420,
Khata No. 50 (old), Circle Khanpur, District-
Samastipur.*

And/or

*iv. For grant of other relief/reliefs,
to which to the petitioner may found entitled,
on the facts and circumstances of the case.*

3. The matter relates to a piece of land already incorporated in paragraph 1 of the writ petition and need no repetition.

4. The petitioner claims the said land on the basis of the continuous Khatian issued in the name of ancestor, Govind Thakur. The grievance is that one Bisheshwar Paswan, son of late Dular Paswan (respondent no. 6) (since deceased) who is/was not the original allottee from the Bhoodan Yagna Committee rather it was Bisheshwar Paswan, son of Dasai Pawan who never got the physical possession as per the local Circle Officer but now is threatening the petitioner warranting the present writ petition.

5. Learned State Counsel as also learned counsel representing the Bhoodan Yagna Committee on the other hand jointly submit that it is a matter to be adjudicated before a competent Civil Court for declaration of right, title and possession over the land and the petitioner has wrongly moved before the writ jurisdiction.

6. This Court has taken note of the entire facts. On the



one hand, the petitioner claims his right on the ground that the land belongs to his ancestor, on the other hand, the contention is that the respondent 3rd Set armed with the illegal order may dispossess him.

7. In the opinion of the Court, these apprehensions/contentions can very well be adjudicated before a competent Civil Court, as rightly pointed out by the learned counsel for the State and which is also incorporated in their counter affidavit. If there is any law and order problem, that also can be very well taken care of by the local Sub-Divisional Magistrate/Police officers. Either of the party is/are free to move before a competent Civil Court for declaration of title/possession.

8. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/
Munindra Kumar
Sahu

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