

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11588 of 2021

1. Ram Naresh Pandey Son of Late Ram Murat Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
2. Binod Pandey Son of Late Sampat Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
3. Santosh Pandey Son of Late Sampat Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
4. Ram Kumar Pandey Son of Late Raghu Nandan Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
5. Awadhesh Pandey Son of Late Narayan Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
6. Vinketesh Pandey Son of Late Narayan Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
7. Kamal Kishor Pandey Son of Late Narayan Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
8. Kaushal Kishore Pandey Son of Late Narayan Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
9. Anita Devi Wife of Sri Santosh Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.
10. Shiv Kumari Kuer @ Shiv Kumari Devi Widow of Late Rajendra Pandey Resident of Village- Barun Dih, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. Competent Authority cum Deputy Collector, Land Reforms, Aurangabad.
5. The Anchal Adhikari, Barun Anchal, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ganpati Trivedi, Sr. Advocate Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, (SC25)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 13-01-2026

Heard Mr. Ganpati Trivedi, learned Senior Counsel



along with Mr. Brij Bihari Tiwary, learned counsel appearing on behalf of the petitioners and Mr. Sajid Salim Khan, learned SC 25 for the State.

Re.: I.A. No. 01 of 2022

2. Learned counsel appearing on behalf of the petitioners by filing the present interlocutory application seeks amendment in Para-1 of the writ petition by adding additional relief as stated in Para-1 of the present interlocutory application.

3. Having considered the information contained in the interlocutory application and the grounds mentioned therein and the affidavit, I find that there are sufficient reason to allow the amendment of the prayer as prayed in Para-1 of the writ petition by adding additional relief as stated in Para-1 of the interlocutory application.

4. I.A. No. 01 of 2022 is allowed.

CWJC No.11588 of 2021:

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

“1. That this application is for issuance of an appropriate writ, order or direction quashing the order dated 14.01.2021 passed by the Deputy Collector Land Reforms, Aurangabad whereby the learned Deputy Collector Land Reforms rejected the application filed by the petitioners for payment of compensation for acquisition of their Raiyati land and further directed the Anchal Adhikari, Barun for initiating for verification of the petitioner's Raiyati interest over the lands in



question which had been acquired long back and accepted by the State Government and for quashing all the title verification Case No 1 to 8 of 2020-21 initiated by Anchal Adhikari Barun in pursuance of the said order.”

6. Thereafter the petitioners filed I.A. No.1 of 2022 for modification of the prayer made in the writ application, *inter alia*, seeking following relief(s):

“(i) In the nature of certiorari for setting aside the order dated 05/06.02.2021 passed jointly by learned L.R.D.C and sub Divisional officer, Aurangabad in title verification case No. 1 to 10 / 2020-2021 whereby and where under the Raiyati claim of the petitioners have been recommended to be rejected based on the report of circle officer Barun and forwarded the same to the Add. Collector, Aurangabad.

(ii) In the nature of certiorari also to setting aside the order dated 07.01.2022 passed in the title verification case No. 1 to 10/2020-2021 by the Add. Collector and Collector, Aurangabad whereby the order of learned L.R.D.C & S.D.O, Aurangabad dated 05/6. 02. 2021 passed in afore mentioned case has been confirmed.”

7. Brief fact of the case is that the land in dispute forms part of land situated at Mouza Barun, P.S. and District—earlier Gaya and presently Aurangabad—being Khata No. 171, Khesra No. 1017, measuring 1 acre and 75 decimals, and the petitioners are descendants of their common ancestor Late Mod Narayan Pandey, whose son Ram Subhag Pandey, by a registered Kabuliyat dated 13th Asharh 1344 Fasli (06.07.1937), obtained settlement of 27.33 acres of land from the ex-landlord of KVND A Estate on payment of nazarana, thereby creating bhowli raiyati rights, the disputed land being part of the said



settlement; pursuant thereto Ram Subhag Pandey came in cultivating possession and paid rent to the ex-landlord, and after vesting of the Zamindari the outgoing landlord submitted returns acknowledging him as a settled *raiyat*; thereafter, upon amicable partition among the heirs of Ram Subhag Pandey, the disputed plot along with other lands fell to their respective shares, over which the petitioners and their predecessors have remained in continuous cultivating possession and have also constructed residential and commercial structures, and post-vesting the State of Bihar recognized them as tenants by entering their names in Register-II, creating Jamabandi and issuing rent receipts in their favour.

8. Mr. Ganpati Trivedi, learned Senior Counsel appearing on behalf of the petitioners informed this Court that in Mauza Barun, District- Aurangabad in respect of Khata No.171, which is already recorded in CS Khatian as *Gair Majarua Malik* land, several plots have been acquired for strengthening and widening of NH-2, connecting Aurangabad to Varanasi. Petitioners are also holders of some of the plots appertaining to Khata No.171, as described in detail in the present writ petition. In respect of the same plot, appertaining to khata No.171, one of the aggrieved persons had earlier approached this Court by



filing CWJC No.14096 of 2023. After considering the fact that the petitioner of the said writ petition has been paying rent continuously and are in possession of the said land, a Co-ordinate Bench of this Court in the aforesaid writ petition has set-aside the order passed by the concerned authority in respect of title verification case with a liberty to the State to file suit, if the State wants to challenge the settlement in favour of predecessor of the concerned settlee.

9. In the present case, learned Senior counsel informs that the petitioners are aggrieved by the series of orders passed by the District Magistrate cum Collector, Aurangabad and Additional Collector cum Additional District Magistrate, Aurangabad as contained in Annexure-17 series, all are dated 07.01.2022 on the ground that the District Magistrate cum Collector concerned was required to follow the prescribed procedure under the Bihar Land Mutation Act, 2011 (hereinafter referred to as the “Act, 2011”) for cancellation of Jamabandi and without adhering to the provisions of the Act, 2011, they rejected the *raiya* claim of the petitioners without asserting the facts as provided in Resolution No. 925 dated 11.11.2014, as contained in Annexure-4. The condition stipulated in clause 3(ii) (kha) of Resolution No.925 is re-produced hereinafter ;

“(ख) यदि भूतपूर्व मध्यवर्ती द्वारा सादा हुकुमनामा तथा रिटर्न में रैयत



का नाम दिया गया है, हुकुमनामा 01.01.1946 के पूर्व का है और सरकारी लगान रसीद जमींदारी उन्मूलन के वर्ष से कट रही है तो यह भूमि रैयत/उनके उत्तराधिकारी की रैयती मानी जाएगी।”

10. The authorities concerned have proceeded to pass order without examining the evidences placed on record by the petitioners that they have been continuously paying rent as fixed by the Government which shows that the petitioners are in possession of their portion of land till date.

11. Having considered the submissions made on behalf of the petitioners and having perused the records of the case, I find that the present is one case, where there is not only abrasion on the part of the authorities concerned but at the same time, the District Magistrate concerned has totally failed to abide by the provision as prescribed in the Act, 2011 as well as, the conditions stipulated under the Bihar Tenancy Act, 1885. I find that the order dated 14.01.2021 passed by the Deputy Collector Land Reforms, Aurangabad (Annexure 9 to the writ petition) and subsequent order dated 05/06.02.2021 passed jointly by learned L.R.D.C and sub Divisional officer, Aurangabad in title verification case No. 1 to 10 / 2020-2021 and order dated 07.01.2022 passed in the title verification case No. 1 to 10/2020-2021 by the Additional Collector and Collector, Aurangabad in case of the petitioners are not



sustainable in the eye of law and same are hereby quashed and set-aside.

12. The petitioners at the same time may file application before the appropriate authority for creation of their Jamabandi in view of the admitted fact that Jamabandi has not been cancelled till date in accordance with law and as such, the petitioners become entitled for payment of due compensation for the said piece of land for which they have not been paid till date.

13. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2026
Transmission Date	NA

