

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5327 of 2025

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1. Bibi Murshida Wife of Late Mojammil Haque Resident of Village- Hathiya Diyara, P.S.- Korha, District- Katihar.
 2. Tajamul Haque, Son of Late Mojammil Haque Resident of Village- Hathiya Diyara, P.S.- Korha, District- Katihar.
 3. Md. Nasirul Haque, Son of Late Mojammil Haque Resident of Village- Hathiya Diyara, P.S.- Korha, District- Katihar.
 4. Md. Aminul Haque, Son of Late Mojammil Haque Resident of Village- Hathiya Diyara, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Katihar, District- Katihar.
3. The Additional Collector, Katihar, District- Katihar.
4. The Deputy Collector Land Reforms, Katihar, District- Katihar.
5. The Circle Officer, Anchal- Korha, District- Katihar.
6. The Bihar Bhudan Yagya Committee, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Adv. Mr. Virendra Kuar, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar, AC to SC-15
For Resp. No. 6	:	Mr. Rajni Kant Singh, Adv. Mr. Sandeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 23-06-2026 Learned counsel for the petitioner prays for and is allowed to make necessary correction in the name-designation of the petitioner so far as the Police Station is concerned, in course of the day.

2. Heard Mr. Siya Ram Shahi, learned counsel for the petitioner, the State as also learned counsel representing the



Bhoodan Yagna Committee.

3. The present application has been preferred:

for issuance of an appropriate writ/writs, order/ orders, direction/ directions, directing the respondents not to disturb the peaceful possession of the petitioners over the land appertaining to Khata No. 388, Khesra No. 593, area 0.83 decimal, Mauja Hariharpur, Thana Korha, District: Katihar as their husband and father got the land in question by Bihar Bhudan Yagya Committee in the year 1958 and since then the land in question is coming in peaceful possession of the petitioners.

3. The details of the land stands recorded in paragraph 1 of the petition and need no repetition.

4. The petitioners claim that the land came in the fold of their family members in the year 1958 when the Bhoodan Yagna Committee (henceforth for short 'the Committee') gave a certificate to this effect on 30.07.1958 (Annexure- P/1 to the petition).

5. The submission is that though belatedly, a petition was preferred for transfer of the name before the Circle Officer, Korha, Katihar vide Bhoodan Transfer Record Case No. 03 of 2000-2001, it was taken up by the Deputy Collector Land Reforms, Katihar and vide an order dated 21.11.2000, he



recorded that though the family of the petitioner claims that it has come to their fold after the donation by 'the Committee', this land is registered in the sairat register and the Government is also earning revenue from the said land. However, if after the enquiry, it comes to the conclusion that the nature of land has changed, appropriate order can be passed for its removal from the sairat register and only thereafter, any transfer can take place.

6. Though the petitioner in support of his case has come up with the Circle Officer report, it is predated inasmuch as while DCLR order is dated 21.11.2000, the said report is dated 23.07.2000. It clearly shows that no enquiry took place and/or no step has been taken by the State respondents following the order passed by the DCLR, Katihar.

7. In the meantime, one of the petitioner (Md. Nasirul Haque) moved before the Collector, Katihar bringing to his notice all the facts. However, as no step was taken, the writ petition.

8. Counter affidavits have come but there is nothing on record to show what steps the respondents took after the order passed by the DCLR, Katihar on 21.11.2000.

9. This Court has two options, either to direct the



respondents to file supplementary affidavit on the step they took after the order passed by the DCLR, Katihar on 21.11.2000 or to dispose it of with a direction to the head of the district, namely, the Collector, Katihar (respondent no. 2) to look into the matter and take appropriate decision in accordance with law.

10. Learned counsel for the petitioner submits that he shall be preferring a petition along with all the supporting documents in the next four weeks.

11. Learned State Counsel as also the learned counsel representing the Yagna Committee have no objection.

12. In that background, the writ petition is disposed of allowing the petitioner to approach the Collector, Katihar in next four weeks and if such petition is filed, it is expected that the Collector, Katihar shall be passing a reasoned order in accordance with law after hearing all the parties/ stakeholders preferably by 31.12.2026.

(Rajiv Roy, J)

Vijay Singh/-

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