

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5159 of 2025

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Vikash Chandra @ Guddu Baba S/o Late Ramashray Prasad Resident of
Mohalla- Indrapuri, Road No.- 12, P.O.- Keshari Nagar, P.S.- Patliputra,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Environment, Forest and Climate Department,
Government of Bihar, Patna.
3. The Additional Chief Secretary, Revenue and Land Reform Department,
Government of Bihar, Patna.
4. The Additional Chief Secretary, Home Department, Bihar, Patna.
5. The Chief Forest Conservator Officer, Bihar, Patna.
6. The Divisional Commissioner, Saran, Chhapara.
7. The District Magistrate, Gopalganj.
8. The Senior Superintendent of Police, Gopalganj.
9. The Divisional Forest Officer, Gopalganj.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6430 of 2022

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Ashok Pandey Son of Devnandan Pandey Resident of Village- Chitu Tola,
P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran, Bihar.
3. The District Magistrate, Gopalganj, Bihar.
4. The District Forest Officer, Gopalganj, Bihar.
5. The Sub Divisional Officer, Gopalganj, Bihar.
6. The Circle Officer, Thawe, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 5159 of 2025)

For the Petitioner/s : Mr. Vikash Chandra @ Guddu Baba (In Person)

For the Respondent/s : Mr. Advocate General

(In Civil Writ Jurisdiction Case No. 6430 of 2022)

For the Petitioner/s : Mr. Setu Prateek, Adv.

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-03-2026

CWJC No. 6430 of 2022

This writ petition has been filed by the petitioner Ashok Pandey with a prayer seeking a direction upon the respondent authorities specifically to respondent no. 4 and 6 not to disturb the peaceful possession of the petitioner over his purchased land having an area 12 of katha of Plot No. 31, Khata No. 03 situated in Mauza Thawe without proper measurement, as directed by the respondent no. 5 in case no. 713/2020-21 vide order dated 24.08.2021; in a proceeding under section 147 of the Criminal Procedure Code and for grant of any other suitable relief/reliefs for which the petitioner is found to be entitled.

2. The case of the petitioner, in short, is that the land under Khata No. 3, Plot No. 31 has been recorded in the name of ex-landlord, namely, Maharaja Guru Mahadev Ashram Prasad Shahi Bahadur having a total area of 47.5 acres. The heir and the legal representative of recorded tenant, namely, Maharaja Bahadur Gopeshwar Prasad Shahi executed a registered deed of conveyance in favour of the father of the petitioner for an area of 12 Katha, in the aforesaid Plot No. 31, on payment of consideration amount of Rs. 2400/- on 18.08.1958 and accordingly, the father of the petitioner came in peaceful



cultivating possession over the same since the date of execution of deed and after his death, the petitioner with other family members are continuing in peaceful possession having valid legal right, title and interest.

3. It is the further case of the petitioner that the widow of the said Maharaja, namely, Maharani Durgeshwari Shahi executed another sale deed on 19.04.1968 for an area of 1 Bigha and 12 Katha in favour of the petitioner and seven other persons on payment of consideration amount of Rs. 1600/- and accordingly, the purchaser came in peaceful possession over the same and their names have been recorded in record of rights adjusting the area from record standing in the name of vendor, namely, Maharani Durgeshwari Shahi. The recorded tenant on purchase is making payment of the rent to the State of Bihar, in whose favour Jamabandi No. 05 has been created and getting rent receipt.

4. The further case of the petitioner that when the deed of conveyance executed in favour of the father of the petitioner was found missing, on the request of the petitioner, the authorized representative of Maharaja Bahadur of Hathwa executed a deed of disclaimer dated 07.12.2020 in favour of petitioner. But after the said disclaimer, the petitioner anyhow



able to locate the original deed. However, the petitioner's father nor the petitioner earlier moved before the revenue authorities for mutation of their names.

5. The petitioner, being the rightful owner of the said land, when he started construction of residential house over the purchased land, all on a sudden the Officers of District Forest Office, Gopalganj came to the spot and raised objection to such construction, for which legal notices were sent to the respondent no. 4 and 6 by the petitioner to provide all the legal papers and to specify the fact that on what basis they have objected in making construction by the petitioner, but no reply was given.

6. At the behest of the petitioner, a proceeding has been initiated under Section 147 of the Cr.P.C. In the said proceeding, notices were issued to the respondent no. 4 and 6, who appeared and stated that out of total area of 47.5 acres of Plot No. 31, an area of 31.75 acres has been transferred to respondent no. 4 for construction of Eco Park and after hearing the parties, the matter was disposed off vide order dated 24.08.2021, with a direction to the respondent no. 6 to make spot inquiry and to get proper measurement upon verification of documents, after deciding whether the land executed in favour of the petitioners and others are part of land transferred in favour



of Forest Department or not.

7. The petitioner filed an application before the respondent no. 6 requesting to take measurement of the disputed land and for demarcation of the same. But the respondent no. 6 sat over the matter and no action was taken and there was no measurement and demarcation of the land of the petitioner and the respondent no. 4 in collusion with respondent no. 6 tried to dispossess the petitioner from his rightful land.

8. It is the further case of the petitioner that the petitioner is being forcefully compelled to go away from his rightful land by the actions of the respondent authorities and, as such, he is likely to suffer irreparable loss and injury. Therefore, the present writ petition was filed seeking the aforesaid relief(s).

9. Upon issuance of notice, the respondent nos. 3, 5 and 6 filed a counter affidavit, wherein it is stated as follows:-

“6. That in reply to the statement made in paragraph no. 4 of the writ petition, it is submitted that Plot no. 31 under Khata no. 03 in village Thawe, Thana no. 121 is recorded as Gairmajaruwa malik jungle in R.S khatian area 47.05 acres. The land was under custody of Ex-landlord, Hathwa Estate, but after vesting of Estate and after coming enforce of Bihar Land Reforms Act, 1950, the same was vested in Bihar State. And the Bihar state has become custodian of the land and the jungle and use the same as sairat due to



Ramnavmi Mela, in Thawe.

7. That in reply to the statement made in paragraph no. 4 of the writ petition, it is submitted that since the land in question was under the ownership of Bihar State as Jungle (Forest) and Sairat, which is under the control and under possession right from the day of vesting of the Estate. Therefore, the said Maharaja Bahadur Gopeshwar Prasad Shahi had no legal authority to existing any deed of conveyance to any one regarding plot no. 31. Hence, the alleged deed of conveyance dated 18.08.1958 was seems to be in operative documents and that had not create any legal right to the father of the petitioner. And the father of the petitioner had not come in possession of the land for any movement.

8. That in reply to the statement made in paragraph no. 6 of the writ petition, it is submitted that the Plot no. 31 under khata no. 03 of village Thawe, Thana no.121 was already vested in State of Bihar after enforcement of Land Reforms Act. Therefore the widow of Ex-land Lord namely Maharani Durgeshwari Shahi, had no authority to execute, sale deed in favor of the petitioner on 19.04.1968,. Therefore the alleged sale deed was inoperative document and on the basis of the same no possession was made over the land in question.

9. That in reply to the statement made in paragraph no. 7 of the writ petition, it is submitted that neither the name of the father of the petitioner nor the name of the petitioner was ever mutated in sirista of State Government and no jamabandi was created in the name of the father of the petitioner nor in



the name of the petitioner. Therefore the alleged rent receipts file by the petitioner as Annexure 4, 4/1 and 4/2 of the writ petition seems to be fabricated documents. That further it is submitted that as per report of the Anchal Adhikari, Thawe, letter no. 999 dated 16.08.2022 no Jamabandi no. 05 was ever created in the name of any person as per Register-II. Further it is also reported that 31.20 acre is already transferred to the Forest Department for Eco Park and 4r decimal land was already purposed for construction of Home Guard Building.

10. That it is further submitted that the Department of the Revenue and Land Reforms, Bihar Patna vide Memo no. 06-खा० म० गोपालगंज 01/2018-1031-(6)/रा०, पटना-15, दिनांक 06.08.2019 had confirmed the allocation of the land for Eco Park.

11. That in reply to the statement made in paragraph no. 8 of the writ petition, it is submitted that the alleged deed of disclaimer dated 17.12.2020 is nor the registered deed neither the alleged deed was executed in proper manner and the stamp on which the said recital of disclaimer had typed was purchased by Ashok Pandey, which goes to show that the petitioner had created the said deed al his own. Therefore the said deed had not created any Legal Sanctity. Therefore it is for no relevance.

12. That the statement made in paragraph no. 9 of the writ petition, it is submitted that the petitioner never came in possession of the land for any movement of the time. Therefore the averment made in this Para is not true, hence it is denied.



13. That in reply to the statement made in paragraph no. 7 of the writ petition the petitioner had filed a petition U/S 147 Cri.P.C. before the Court of S.D.M. Gopalganj in view to creating a dispute and creating document on the land in question in shape of easementary right over the land in question but the S.D.M. Gopalganj by passing order dated 24.08.2021 dismissed the Case.

15. That in reply to the statement made in paragraph no. 12 of the writ petition, it is submitted that the construction work of Home Guard building was already completed, the office and entire establishment of Home Guard is running in the said building and the rest part of the land is under the possession of Forest Department and under sairat in which the Ramnavmi Mela and daily gathering of people for worship of Goddess Shri Durga Mandir, Thawe is assembled.”

10. After going through the counter affidavit filed on behalf of the respondent nos. 3, 5 and 6, we find that there are disputed questions of fact and not only the State has raised objection about the legality of the deed of conveyance, which was executed by Maharaja Bahadur Gopeshwar Prasad Shahi but also by Maharani Durgeshwari Shahi, who allegedly executed the sale deed in favour of the petitioner.

It is also the stand of the State that the rent receipts are all fabricated documents and after the vesting of the Estate and coming into force of Bihar Land Reforms Act, 1950, the land



was vested in Bihar State and the Bihar State has become custodian of the land and the jungle.

11. It is trite law that the question involving right, title and interest of the parties with respect to a property, which requires elaborate examination of evidence should be left to be determined through a Civil Suit. The Hon'ble Supreme Court time and again observed that the High Court should not ordinarily enter upon determination of question of facts while exercising writ jurisdiction, which requires extensive examination of documentary or oral evidence to establish the rights of the parties, for which it is claimed for.

12. It would be worth benefiting to take note of the decisions rendered by the Hon'ble Supreme Court in the case of ***Union of India & Ors. Vs. Ghaus Mohammad*** reported in ***AIR 1961 SC 1526***, wherein the Court held that the question involving disputed facts should be determined through a regular Civil Suit and not in a writ petition. Further, in case of ***State of Rajasthan Vs. Bhawani Singh & Ors.***, reported in ***1993 Supp (1) SCC 306***, the Honble Supreme Court ruled that disputes of ownership or title cannot be satisfactorily adjudicated in writ proceedings.

13. In view of the submissions raised that the deed of



conveyance did not create any legal right in favour of the father of the petitioner nor the alleged sale deed gives any legal right to the petitioner as it is said to be an in-operative document, we are of the view that all these aspects cannot be adjudicated while exercising writ jurisdiction by this Court. In such a situation, the relief(s) sought for by the petitioner, in this writ petition cannot be granted. It is open to the petitioner to seek appropriate remedy before the appropriate forum.

14. It is made clear that we have not expressed any opinion on the merits of the case. Accordingly, the CWJC No. 6430 of 2022 stands disposed off primarily on the ground that the matter involves disputed questions of fact requiring elaborate examination of evidence and documents.

CWJC No. 5159 of 2025

15. Since we have disposed off CWJC No. 6430 of 2022, which has been filed by one Ashok Pandey and in paragraph no. 6 of the counter affidavit, which has been filed by the Divisional Forest Officer, Gopalganj it is stated that there is encroachment over the land in question and Case No. 14/2017-18 has been filed as per the Bihar Public Land Encroachment Act, 1956 by the Circle Officer, Thawe to remove the encroachment, no further adjudication is required in this matter.



16. However, we take note of the fact that since the encroachment case is of the year 2017-18 and, in the meantime, more than 8 years have passed, the concerned authorities shall do well to expedite the disposal of such case in accordance with law, preferably within a period of three months, from the date of production of a certified copy of this order.

17. Accordingly, the CWJC No. 5159 of 2025 stands disposed off.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2026
Transmission Date	NA

