

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5008 of 2015

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Rajkishore Parit son of late Doma Parit R/o. vill. Chakarawa Khas, P.S Bhorey, District Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Collector- District Magistrate, Gopalganj
3. Deputy Collector, Land Reforms, Hathua, District Gopalganj.
4. Circle Officer, Bhorey, Anchal Bhorey, District Gopalganj
5. Sahabuddin Ansari son of late Abdul Hakim resident of village Chakarawa Kha, P.S Bhorey, District Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Chaubey, Advocate
For the Respondent/s	:	Mr. GP-2- Prashant Pratap
		Mr. Asit Kumar Jha, AC to GP-2
For the Resp No. 5	:	Mr. Nityanand Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-01-2026 Heard the parties.

2. The present petition has been preferred for the following relief(s):

*“I. for quashing the order dated
07.01.2025 of Deputy Collector, Land Reforms,
Hathua, Gopalganj in connection with Bhumi
Vivad Vad Sankhya 70/2014-15 Sahabuddin
Ansari Vs. Sudhiram Parit and others;*

*II. for quashing the letter no. 117 dated
26.02.2015 of Circle Officer, Bhore, District*



Gopalganj;

III. for issuance of writ of mandamus commanding the respondent authority to allow the petitioners to continue his possession as they are using as residential house for more than sixteen years to disputed land with respect to khata no. 110, plot no. 229/2001 Rakaba 2 katha 15 dhur in mauja Chakarawa Khas;

IV. for issuance of such other appropriate writ, order, direction which may deem fit and proper in the facts and circumstances of this case for the ends of justice.”

3. The matter relates to land [Khata No. 110, Khesra No. 229 (Area 2 katha 15 dhur) in village, Chakarawa Khas under Bhore Circle in the district of Gopalganj] which the petitioner is using for his residence since last two decades.

4. The respondent no. 5 preferred a petition before the DCLR, Hathua (respondent no. 3) in Land Dispute Resolution Case No. 42/2012-13 which was disposed of on 03.09.2012 by the DCLR, Hathua directing the Circle Officer, Bhore, Gopalganj to ensure measurement of the land between



the parties so that dispute comes to an end (annexure-2 to the petition).

5. However, the respondent no. 5, being aggrieved, again moved before the DCLR, Hathua which was disposed of on 30.12.2013 and the concerned officer came to the conclusion that earlier, order was only with regard to the measurement of land and as such, he cannot move ahead by directing the Revenue Authorities to ensure physical possession to him (annexure-3 to the petition).

6. Learned counsel for the petitioner submits that, if aggrieved, the respondent ought to have moved before a competent Civil Court. Instead, he took a chance for the third time by filing a land dispute case no. 70/2014-15 before the same authority i.e. Deputy Collector Land Reforms, Hathua and on 07.01.2015, though the concerned officer came to the conclusion that it is mere repetition of the earlier applications preferred, measurement has already been conducted, it went beyond the earlier orders by directing the Circle Officer, Bhore to ensure physical possession of the respondent no. 5 as per the measurement so done on 28.12.2012 (annexure-4 to the petition).

7. He submits that the same has to go as there was



no such direction in the earlier order dated 03.09.2012, a fact recorded subsequently by the same office on 30.12.2013.

8. The Coordinate Bench while issuing notice to the respondent no. 5 on 03.07.2015, granted status quo in the present case. Today, the respondent no. 5 has appeared but no reply has come on his behalf, though the State has filed its counter-affidavit.

9. Entire facts have been recorded and the parties have been heard. An order came to be passed on 03.09.2012 by which direction was given for measurement of the land. Accordingly, on 28.12.2012, measurement took place and the order stands complied. However, the respondent no. 5 again moved before the concerned authority which was negated on 30.12.2013 holding that there was no order for giving physical possession to him. However, in the third effort, he succeeded in getting the order on 07.01.2015 in which direction was issued for providing him physical possession.

10. Certainly, the Deputy Collector Land Reforms, Hathua, Gopalganj exceeded his jurisdiction by taking up the role of the competent Civil Court. Accordingly, order dated 07.01.2015 stands quashed. The parties are free to move before appropriate authority/Court for the redressal of the



grievance if they so want.

11. Needless to add, any observation made at any point of time in the present issue shall be overlooked by the competent Court if the parties decide to file a petition before it.

12. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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