IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2449 of 2017

CNR No. BRHC010442022017

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Kanahiya Singh son of Gauri Shankar Singh, Resident of Village- Maranchi, Tola- Tin Bhaiya, POPS- Maranchi, District- Patna.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The Divisional, Commissioner Patna, Division Patna.
4. The Collector Patna, District- Patna.
5. The Land Acquisition Officer, Patna, District- Patna.
6. The Senior Superintendent of Police, Patna, District- Patna.
7. The Land Reforms Dy. Collector Barh, District- Patna
8. The Sub-Divisional Officer, Barh, District- Patna. null null
9. The Circle Officer, Mokama, District- Patna. null null
10. The Officer in- Charge, Maranchi, Police Station, District- Patna. null null
11. The General Manager, Barauni Thermal Power Station, P.S.- Barauni, District- Begusarai.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Dhirendra Kumar, Advocate
For the State : Mr. Brajesh Kr. Chopra, SC-25
: Mr. Anuj Kumar, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

9 18-11-2026 Heard learned counsel for the petitioner and learned counsel for the respondent-State.

2. The present writ petition has been filed seeking following reliefs:-

> *"(i) For direction to respondent authority not to disturbed the possession of the petitioner upon his ancestral rayati land in which petitioner and his ancestors are cultivating and coming in possession since more than 100 years and inherited the same*

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from generation to generation.
(ii) For a declaration that right of petitioner of possession over his Khatiyani ancestral land cannot be disturbed or taken away by the state respondents without following the due process of law.
(iii) For commanding the respondents not to dispossess the petitioner from his ancestral land.
(iv) For direction the respondent authority to restrain the respondents officers who are fixing pillars for construction upon the petitioner land bearing survey Khata no. 1000, Plot no. 1051, Khata no. 1262 Plot no 928, Tauzi no. 8084, Mauza Maranchi Area 15 bigha 7 katha 12 dhur, and purchased land bearing Khata no. 1069, survey plot no. 928, area 5 Bigha Purchased in the year 1969 through registered sale deed (total area of petitioner land is 15 bigha, 7 katha 12dhur+ 5 bigha = 20 bigha,7 katha 12dhur), and further direction to pay adequate compensation to the petitioner for damaged of his RAI Crop which has been damaged by the respondents by installing pillars and fencing upon his land.
(v) For directing the respondent officials to protect the right full ownership of the petitioner upon his ancestral land in accordance with law."

3. Learned counsel for the petitioner submits that in the year 1900-01 survey records of rights was published in which the land bearing Khata no. 274, Plot no. 388, Khata no. 289, Plot no. 389, Khata no. 296, Plot No. 367, Khata no. 236, Plot No. 376, Old Tauxi no. 392, Thana No. 10 Area 26 Bigha 16, Katha 12 dhur was recorded in the name of Shivadhin Singh who was the great grandfather of the petitioner.

4. Learned counsel for the petitioner further submits that in the year 1907-08 survey was held and the land in

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question was recorded as per the entry in survey record of the year 1900-01. In the year 1919-20 survey was held and the land of the petitioner, re-numbered as Khata no. 1000, Plot no. 1051, Tauzi no. 8084, Thana no. 10, Mauza Maranchi measuring an area 15 bigha 7 katha 12 dhur only, rest of the land has been submerged in Ganga River. The land was recorded in the name of Kaltu Singh, who is grandfather of the petitioner. The name of the grandfather of the petitioner was entered in register II of the state. Later on the name of Gauri Shankar Singh was entered in the Zamabandi record. The Zamabandi is still running in the name of Gauri Shankar Singh and paying rent since its creation and getting rent receipt.

5. Learned counsel for the petitioner submits that the petitioner having title and possession over the land bearing Khata no. 1000, Plot no. 1051, Khata no. 1262, Plot no. 928, Tauzi no. 8084, Area 15, bigha 7 Katha & 12 dhur, and Khata no. 1069, Plot no. 928, Area 5 bigha coming in peaceful possession from generation to generation and no acquisition process has been initiated nor any notice has ever been served to the petitioner and all of a sudden respondent encroached the land of the petitioner. He further submits that the respondent authority without having any right title over the land in question

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damaged the crops of the petitioner and destroyed the land of the petitioner.

6. Learned counsel for the petitioner has relied upon the judgment dated 18.02.2014 passed in CWJC No. 22052 of 2013 and CWJC No. 22o72 of 2013 (analogous cases) in which the Writ Court had directed the authority to not disturb the petitioner in any manner except by authority of Civil Court.

7. A counter affidavit filed on behalf of the respondent-State stating therein that the land in question comes under Khas Mahal land in which survey record was not prepared and despite of best efforts the respondent has not found the record concerning the land in question i.e. Khata no. 1000, Plot no. 1051, Khata no. 1262, Plot no. 928, Tauzi no. 8084, as well as Khata no. 1069, Survey Plot no. 928 situated at Mauza Maranchi- Diyara (Maranchi Diyara), Thana No-10 of the year 1920, nothing could be found by the Circle Office, Mokama, Patna. The said map showed that it is a khasmahal land.

8. Learned counsel for the respondent-State further submits that the Circle Officer, Mokama vide Letter No. 1021 dated 10.06.2025 has requested to the District Record Room, Patna to provide the khatiyan of mauza Maranchi Diyara Kasaha Diyara, Thana No-10 and in response to the same the

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Incharge Officer of the District Record Room, Patna vide his letter no. 23 dated 13.06.2025 has informed that the khatiyan of survey thana no.10 mauza Kasaha diyara is not available in the District Revenue Record Room, Patna and apart from aforesaid the Circle Officer, Mokama has also submitted his report dated 16.06.2025 wherein it has been stated that the land in question is unsurveyed land and no Jamabandi has been created with regard to the land in question and said land in question is part of the 290 acres of Government land, which has been transferred to the Bihar State Electricity Board for the B.T.P.S. by the Revenue and Land Reforms Department, Government of Bihar. It appears that petitioner want to declare his right and title over the land in question and same is disputed question of fact and cannot be decided in a writ jurisdiction.

9. Having heard counsel for the parties and perused the materials available on record, the Court has come to the conclusion that the authority had never issued any notice to the petitioner and the name of one Shivadhin Singh was recorded in the year 1900-1901 survey record with respect to the land in question and said Shivadhin Singh is the great grandfather of the petitioner and the petitioner claims to have inherited the said land i.e. land bearing no. Khata no. 1000, Plot no. 1051, Khata

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no. 1262 Plot no 928, Tauzi no. 8084, Mauza Maranchi Area 15 bigha 7 katha 12 dhur, and Khata no. 1069, survey plot no. 928, area 5 Bigha through successive generations and to have remained in peaceful possession thereof. No proceeding for acquisition of the land has been initiated, nor has any notice been served upon the petitioner. However, the respondent authorities have suddenly attempted to interfere with the petitioner's possession and encroach upon the land without following the due process of law.

10. In view of the aforesaid, this writ petition stands allowed with direction to the respondent authorities not to disturb the petitioner's possession over the land in question except by the authority of the Civil Court.

11. Pending application(s), if any shall also stand disposed of.

(Rajesh Kumar Verma, J)

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