

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8068 of 2026

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Rita Devi @ Rajmanti Devi, W/o- Sanjay Kumar Panday, R/o- Sakin Usmanpur, P.O- Raj Bhavan Kashiawan, P.S.- Ekangarsarai, District- Nalanda, present address at Badi Pahadi, Ganga Pradusan, P.S.- Agam Kuan, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The Sub-Divisional Magistrate, Patna City, Patna.
3. The Superintendent of Police, Patna City, Patna.
4. The Sub-Divisional Officer, Patna City, Patna.
5. The Deputy Collector, Land Reforms, Patna City, Patna.
6. The Circle Officer, Patna City, Patna.
7. The Officer-in-charge, Agamkuan Police Station, Patna.
8. Ritu Devi, W/o- Sanjay Kumar, Village- Mujhauna, P.S- Parsa, Saran- 841219, District- Saran.
9. Pratibha Devi, W/o- Ramesh Kumar Panday, Sakin- Bajrangpur, P.O- Gulzarbagh, P.S.- Alamganj, District- Patna- 800007.
10. Ganesh Mahto, S/o Late Pairu Mahto, Sakin- Badi Pahadi, P.O- Krishna Niketan, P.S.- Agamkuan, Patna, District- Patna.
11. Vikash Kumar, S/o- Madan Prasad, Sakin- Vijay Nagar, P.O- Lohinagar, P.S- Patrakar Nagar, Patna., District- Patna.
12. Baliram Mahto, S/o- Chabbila Mahto, Sakin- Chotti Pahadi, Rasidachak, P.O- Badi Pahadi, P.S- Agamkuan, Patna, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate
For the Respondent/s : Mr.Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 01-07-2026 Heard learned counsel for the parties.

2. By approaching this Court under Article 226 of the Constitution of India, the petitioner has prayed for quashing the order dated 19.02.2026 passed by the Sub-Divisional Magistrate, Patna City in Land Dispute Resolution Case No. 06



of 2026 whereby demarcation of the land in question has been directed, claiming it to be wholly without its jurisdiction and unsustainable in the eyes of law. The petitioner has also prayed that a declaration be given by this Court that the proceedings initiated by the S.D.M., Patna City in the aforesaid case, being void ab initio, is unattainable in the eyes of law with an additional prayer for quashing the demarcation/measurement proceedings dated 09.04.2026 initiated pursuant thereto, as well as, also for a direction to the D.C.L.R. and Circle Officer, Patna City to give full effect to the order dated 03.01.2025 passed in Land Dispute Resolution Case No. 17/P.S./24-25 and the subsequent Measurement Case No. 22/24-25.

3. Short facts, shorn of unnecessary details, could succinctly be detailed hereunder, for proper adjudication of the matter at hand:-

(i) In the year 2009, petitioner got mutation in her favour on a piece of land purchased by her vide order dated 30.11.2009 passed in Mutation Case No. 1607/09-10 and accordingly rate was stated to be paid.

(ii) After some time, on account of dispute between petitioner and the private respondent, petitioner moved the application under Section 4 of the Bihar Land Dispute



Resolution Act, 2009 which was registered at Case No. 17/P.S./24-25. In the aforesaid proceedings, in spite of proper notice, none appeared on behalf of the private respondent herein, then after an ex-parte hearing, an order dated 03.01.2025 was passed holding that petitioner was purchaser of the land through a registered sale deed dated 04.06.2009 and accordingly, a mutation was done in her favour.

(iii) The D.C.L.R. further directed the Circle Officer, Patna City to ensure the demarcation of the land in question with an additional direction to the S.H.O. Agam Kuan to maintain law and order during such process of demarcation.

(iv) The Circle Officer vide letter dated 24.03.2025, having registered measurement Case No. 22/24-25 for measuring the land in dispute, directed the Anchal Ameen to get measurement done. The Anchal Ameen conducted measurement and submitted a report on 26.03.2025 stating therein that petitioner was found in possession of the land.

(v) Thereafter, petitioner took initiative for construction of house on the aforesaid piece of land, the private respondent, at this stage, came into the picture and obstructed such construction and virtually stopped the same.

(vi) The petitioner being aggrieved by such illegal



acts of private respondent, approached the S.D.M., Patna City for providing security from the private respondent upon which the S.D.M., Patna City instituted a land dispute Resolution Case No. 6 of 2026 and directed the Circle Officer, Patna City to conduct measurement of the land described in the application and submit a report at the earliest.

(vii) In pursuance thereof, the Circle Officer, Patna City vide letter dated 03.04.2026 requested the S.H.O., Agam Kuan, to stop the construction done by the petitioner till measurement of the aforesaid piece of land pursuant to the direction of the S.D.M., Patna City so that the law and order situation could be maintained thereon.

4. The learned counsel for the petitioner vehemently challenges the act of the S.D.M. Patna City by submitting therein that the S.D.M. is not the competent authority to decide the dispute between the parties in terms of the Land dispute Resolution Act, 2009, as Clause 2(a) of Section 4 of the Bihar Land Dispute Resolution Act, 2009 defines the "competent authority" to mean the District Collector Land Reforms, who will have jurisdiction to entertain, hear and adjudicate dispute relating to boundary, possession and unlawful dispossession, etc.



5. Learned counsel for the State, at this stage, points out that the S.D.M., Patna City is not deciding the dispute with respect to the land in question, but simply in order to maintain law and order situation on the aforesaid piece of land where rival claims are being made by both the parties i.e. petitioner and private respondent herein, on an application moved by the petitioner before him for providing security to her, the S.D.M., Patna City directed the Circle Officer to get the land measured properly and till such measurement is done in accordance with law, construction work on that aforesaid piece of land was restrained by the Circle Officer, who was entrusted with the duty of getting the land measured with the help of Anchal Ameen.

6. Heard rival submissions of both the sides. It is very much evident from the record and averments made in the writ application that the D.C.L.R., Patna City having registered a proper case under Section 4 of the Bihar Land Dispute Resolution Act, 2009 passed an order on 03.01.2025 holding the petitioner to be in possession of that piece of land and thereafter he directed the Circle Officer, Patna City to get the land measured and demarcated in accordance with law in the presence of concerned S.H.O. and if such demarcation and



measurement is obstructed by either of the parties then the S.H.O., Agam Kuan, will act in accordance with law in order to maintain the law and order situation.

7. In this regard it would be apposite to quote the relevant part of the findings recorded by the D.C.L.R., Patna City under order dated 03.01.2025 passed in Bihar Land Dispute Resolution Case No. 17/P.S./24-25:-

"अतएव उक्त तथ्यों के आलोक में अंचलाधिकारी, पटना सदर को निदेश दिया जाता है कि संबंधित थानाध्यक्ष की उपस्थिति में प्रश्नगत भूमि का सीमांकन नियमानुसार उभय पक्ष को सूचनोंपरान्त कराना सुनिश्चित करेंगे। अगर सीमांकन के क्रम में उभय पक्ष में किसी के द्वारा व्यवधान उत्पन्न किया जाता है तो इस संबंध में थानाध्यक्ष, अगमकुआँ सुसंगत धाराओं में विधिसम्मत कार्रवाई करना सुनिश्चित करेंगे। आदेश की प्रति अनुपालनार्थ अंचलाधिकारी, पटना सदर एवं थानाध्यक्ष, अगमकुआँ को प्रेषित करें।"

8. It is thus evident from the aforesaid findings recorded by the D.C.L.R., Patna City that he directed the Circle Officer, Patna City to get the land measured and demarcated in presence



of the S.H.O. of the concerned P.S. and if either of the party makes any endeavor to get the aforesaid demarcation and measurement disturbed, then the concerned Circle Officer was also directed to take all measures to restrain either of the sides from creating disturbance.

9. Further from the order 19.02.2026 passed by the Sub-Divisional Magistrate, Patna City which is quoted hereunder for proper appreciation of the matter :-

"अतः आवेदन से प्राप्त आवेदन पत्र एवं संलग्न कागजात की छायाप्रति संलग्न करते हुए निदेश है कि उक्त आवेदन पत्र में वर्णित भूमि का स्थलीय जाँचोपरांत मापी कर गाधी प्रतिवेदन के साथ वर्तमान स्थिति स्पष्ट करते हुए अनुशंसा के साथ अविलंब प्रतिवेदन उपलब्ध कराना सुनिश्चित करेंगे।"

It becomes manifestly evident that the S.D.M. Patna City, on an application filed by the petitioner, has also directed the Circle Officer, Patna City to get the land measured and submit a categorical report along with his recommendations.

10. The Sub-Divisional Magistrate, Patna City vide order dated 19.02.2026 has not embarked upon to usurp the power as



vested in the D.C.L.R. in terms of Section 4 of the Bihar Land Resolution Act, 2009 rather he has also passed an order practically and effectively furthering the order dated 03.01.2025 passed by the D.C.L.R., Patna City wherein the same kind of direction has also been issued.

11. The argument as advanced on behalf of the petitioner that the S.D.M., Patna City has gone beyond his jurisdiction to initiate a proceeding under Section 4 of the Land Dispute Resolution Act, 2009 appears to be fallacious and against the document brought on record in the form of various annexures appended to the writ application. By no stretch of imagination, it can be legally said that the S.D.M. has usurped the power as vested in D.C.L.R. rather S.D.M. has to step-in in order to maintain the law and order and that too on an application so filed by the petitioner.

12. As a matter of fact, the Sub-Divisional Magistrate has not initiated a new kind of proceeding rather he has acted in accordance with law in terms of the power assigned to him in the law to maintain law and order situation in the event of any kind of dispute which arose on account of rival claims of the parties with respect to the boundaries and demarcation of any piece of land.



13. Thus, the contention of the petitioner assailing the order dated 19.02.2026 passed by the Sub-Divisional Magistrate, Patna City does not appear to be legally valid and tenable in the eyes of law. Since the matter is still pending before the S.D.M., Patna City who has initiated the proceedings of measurement and demarcation over the aforesaid piece of land on a petition moved by the petitioner, the S.D.M., Patna City is directed to conclude the aforesaid proceedings at the earliest in order to resolve the dispute between the petitioner and private respondent within a period of six weeks henceforth.

14. Accordingly, this writ application stands disposed off with aforesaid directions.

15. Interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

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