

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13469 of 2021

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1. Nand Kishore Singh Son of Late Rup Narayan Singh, Resident of Village - Bahilwara @ Garha, P.S. - Runni Saidpur, District - Sitamarhi.
 2. Abhay Kumar Singh, Son of Late Yamuna Singh, Resident of Village - Bahilwara @ Garha, P.S. - Runni Saidpur, District - Sitamarhi.
 3. Manish Kumar Singh, Son of Chitranjan Singh, Resident of Village - Bahilwara @ Garha, P.S. - Runni Saidpur, District - Sitamarhi.
 4. Ram Shankar Singh, Son of Late Hari Nandan Singh, Resident of Village - Bahilwara @ Garha, P.S. - Runni Saidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Circle Officer, Runni Saidpur, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh
For the Respondent/s : Mr. Sajid Salim Khan, SC 25

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-02-2026

Heard Mr. Vaidehi Raman Prasad Singh, learned counsel appearing on behalf of the petitioners and Mr. Sajid Salim Khan, learned SC 25 for the State.

2. Petitioners have *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“That this is an application for grant of an appropriate writ for quashing the order dated 2.7.2020 passed by the Circle Officer, Runni Saidpur, District Sitamarhi in Misc. Case No.9/2020-21 (Annexure-8) rejecting the application dated 21.5.2020 filed by the petitioner no.1 in the light of the order passed by this Hon’ble Court in CWJC No.5672 of 2020 for fixation of



rent of RSP Nos.724 and 772 under Khata No.770 situated in village Bahilwara aliaas Garha (Thana No.71) and for a direction to the respondents, particularly Respondent No.4, the Circle Officer, Runni Saidpur to fix the rent of the aforementioned two plots belonging to the petitioners and their co-sharers in their names and to accept the rents of those plots.”

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no.1, Nand Kishore Singh had earlier filed CWJC No.5672 of 2020 which was disposed of *vide* judgment dated 20.05.2020 in respect of the land which the petitioner had claimed in the said writ petition and the Circle Officer, Runni Saidpur was directed to dispose of the application of the petitioner.

4. Learned counsel further submitted that the land is recorded as *Bakast Malikan Majkoor* and was in possession of the ex-jamindar, namely, Sridhar Narayan Singh and others. During revisional survey operation, Revisional Survey Plot No.274 was carved out from Cadestral Survey Plot Nos.234 and 233 and Revisional Survey Plot No.772 was carved out from Cadestral Survey Plot No.233. The revisional Survey Plot number was wrongly recorded under Khata No.770 as “*Gairmazarua Bihar Sarkar*”. The petitioner no.1 is the grandson of the said Sridhar Narayan Singh and as such he has right title and interest in the said land. The writ petition was disposed of by directing the Circle Officer, Runni Saidpur,



District, Sitamarhi to consider and dispose of the application filed by the petitioner in accordance with law. Petitioner approached the Circle Officer in light of the direction of this Court for fixing the rent in respect of the said land and upon refusal by the Circle Officer *vide* order dated 02.07.2020, the petitioners, who are descendants of the said Sridhar Narayan Singh have again preferred the present writ petition being aggrieved by the said order.

5. Learned counsel next submitted that petitioners have claimed their entitlement over the land in question on the basis of order dated 23.09.1991 passed by the Consolidation Officer, Runnisaidpur, whereby he had directed for recording R.S.P. Nos.724 and 772 in the name of the petitioners after deleting the name of Bihar Sarkar and to make necessary correction accordingly.

6. The co-ordinate Bench of this Court had passed *inter alia* following orders in paragraphs no.6 to 9 in CWJC No.5672 of 2020, which are reproduced hereinafter:-

“6. Having heard the parties and considering the nature of grievance of the petitioner, this Court is of the view that the ends of justice will be met by directing the Circle Officer, Runni Saidpur, District Sitamarhi (respondent no. 7) to consider and dispose of the application said to have been filed by the petitioner, if still pending, on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner, within one week hereof.

7. It is made clear that in view of the ongoing



lockdown and Covid-19 pandemic, the concerned authority shall be at liberty to hear the petitioner through video conference and any correspondence between the parties may be made through email. To enable the same, the petitioner undertakes to furnish his mobile number and e-mail ID, together with a copy of the application claimed to have been filed by the petitioner along with details of its filing, to learned Standing Counsel-II not later than by tomorrow, i.e. 21.05.2020, for its onward transmission to the concerned authority.

8. It is expected that the respondents shall refrain from proceeding with the execution of work until disposal of the application by the Circle Officer, as aforesaid. The petitioner shall co-operate for early disposal of the matter.”

7. The present writ petition is pending since the year 2021 and *vide* order dated 25.09.2025, the State was directed to file counter affidavit which has been filed on 02.02.2026.

8. *Per contra*, Learned counsel for the State referring to the counter affidavit submitted that the revenue officer is the competent authority to make correction in the records of right and that too within a period of five years from the date of final publication of the *Khatiyani*. The petitioners or their ancestor failed to take any action within the stipulated period of time, rendering the claim barred by the limitation. Specific consideration in this regard has been taken to provision of Section 15(1) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 in paragraph no.10, which is reproduced hereinafter:-

“10. That it is pertinent to produce here Section 15(1) of the Bihar Consolidation of Holdings and



Prevention of Fragmentation Act, 1956:

15 Certificate of Transfer

(1).The Consolidation Officer shall grant to every raiyat to whom a holding has been allotted in pursuance of a scheme of consolidation a certificate in the prescribed form containing the prescribed particulars. Such certificate shall be conclusive proof of the title of such raiyat to such holding and he shall be liable for payment of such rent as may be specified in the certificate.”

It is further relevant to produce here Section 14(1) and 14(2) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956:

14(1) The Consolidation Officer shall fix the date with effect from which the final consolidation scheme shall come into force and shall, notify the same in the unit in the prescribed manner.

14 (2)On and after the said date a raiyat or an under raiyat shall be entitled to possession of the plots allotted to him.

It is equally relevant to produce here Section 17A(1) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956:

17 A(1) If all the raiyats affected by the scheme of consolidation confirmed under Section 13, agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession from the date fixed under sub-section (1) of Section 14.”

9. In above background, he submitted that in paragraph no.12 of the counter affidavit, information has been given that final consolidation scheme has now been cancelled by the State vide memo No.54 dated 19.01.2018 in respect of Block Runnisaidpur including other blocks of the Sitamarhi district.

10. I find that as the Circle Officer has passed the order dated 02.07.2020 without considering that the revisional survey proceeding in the district of Sitamarhi has not attained its



finality, which was taken up in the year 1969-72, therefore, the entries made in the revisional survey Khatiyan cannot be taken for determination of anyone title, unless it is compared with the cadastral survey Khatiyan.

11. So far as the relief as prayed for in the present writ petition is concerned, the respective parties, the petitioners and the State government can avail remedy before the competent civil court, having jurisdiction for declaration of title in case either the petitioners or the State Government is aggrieved in respect of the land in question.

12. The writ petition is disposed of with a direction to the District Magistrate-cum-Collector, Sitamarhi to pass order based on records in accordance with law.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2026
Transmission Date	NA

