

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13506 of 2021

Md. Mojahid @ Md. Mojahid Rashidi @ Md. Mazharul Haque, Son of Late Hafiz Abdul Rashid, Resident of Mohalla- Shekhana, Town Biharsharif, P.S. Bihar, Dist- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Nalanda.
3. The Circle Officer, Biharsharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate.
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 08-01-2026 Heard learned counsel appearing on behalf of the petitioner and learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, inter alia, following relief(s), which is reproduced hereinafter:-

“That this is an application for issuance of an appropriate writ, order or direction for quashing the order dated 31.01.2020 passed by the Circle Officer, Bihar Sharif, Nalanda (Respondent-3) in Misc. Case No. 03/2019-20. Whereby whereunder he has rejected the application dated 15.02.2019 filed by the petitioner before him for creating Jamabandi in the name of the petitioner for Chistiyara Hariya Pokhar bearing Khata No. 310, Khesra No. 575, Area 1.33 Acres, Khesra No. 564, Area 06 Dec. situated at Mauza - Chistiyara, Thana No. 117 in the District of Nalanda in the light of judgment and decree dated 14.12.2004/23.12.2004 passed by the learned Sub Judge -VII, Bihar Sharif, Nalanda in T.S. No. 17/1996 as well as Judgment dated 26.09.2011 passed by the Learned Additional District Judge, Fast Track Court No. 01, Nalanda at Biharsharif in T.A. No. 03/2005 by which the



disputed property/tank is declared personal possessed property of the petitioner's ancestor to which Bihar Govt. and Municipality have no right. The order of rejection is passed mainly on the ground that rent receipt was never granted to the ancestor of the petitioner and the petitioner has also failed to produce any revenue documents.

And for any other relief/s for which the petitioner is entitled in the facts and circumstance of the case.”

3. The dispute relates to a land appertaining to Khata No. 310, Khesra No. 575 and Area 1.33 acres and Khata No. 310, Khesra No. 564, Area 06 Decimal situated at Mauza – Chistiyara, Thana No. 117 in the District of Nalanda. The Circle Officer vide order dated 31.01.2020 refused to create Jamabandi in the name of the petitioner by rejecting his application filed on 15.02.2019. On perusal of the order impugned, it appears that in respect of the above piece of land described, the State was party to the Title Suit No. 17/1996 in which judgment and decree was passed in favour of the petitioner by learned Sub Judge-VII, Biharsharif, Nalanda. The State being aggrieved filed Title Appeal No. 03/2005 against the said judgment passed in Title Suit No. 17/1996. The appellate court having found no illegality in the judgment and decree dated 14.12.2004/23.12.2004 passed in Title Suit No. 17/1996 affirmed the said order vide order dated 26.09.2011.

4. That being the case, the Circle Officer having not noticed above admitted facts has rejected the application of the



petitioner vide order dated 31.01.2020 passed in Misc. Case No. 03/2019-20 is not only error of record, at the same time, it is vested with malafide is hereby quashed and set aside.

5. The Circle Officer is directed to peruse the judgment and decree passed in Title Suit No. 17/1996 and pass fresh order after giving due opportunity to the petitioner in accordance with law and giving due regard that already the possessory right and the title of the petitioner has been decided by a competent civil court having jurisdiction.

6. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

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