

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8985 of 2026

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1. Ram Kumar Mahto Son of Ruplal Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.
 2. Sahdeo Mahto, Son of Ruplal Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.
 3. Siyaram Mahto, Son of Ram Lakhan Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.
 4. Ram Kishor Mahto, Son of Ram Lakhan Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.
 5. Ram Shankar Mahto, Son of Ram Lakhan Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.
 6. Jagdish Mahto, Son of Ram Prit Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.
 7. Lutan Mahto, Son of Shaukhi Mahto, Resident of Village and PO and PS Khodawandpur, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Begusarai.
2. The Circle Officer, Khodawandpur, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Poddar Suresh Gandhi, Adv.
For the Respondent/s : Standing Counsel 28

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 02-07-2026 Heard the parties.

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

“1) That this is an application of writ of certiorari to quash the order of Collector, Begusarai and Circle Officer, Khodawandpur in Encroachment appeal no.7/2023 and Land Encroachment no.1/2021-22 and writ of Mandamus to direct the authority concerned not to



demolish the house of petitioners and not disturb the possession of petitioners on the house concerned petitioners further prays following relief/reliefs from the Hon'ble Court as given below:-

(i) To quash the order of Collector dated 1.4.2026 passed in Encroachment appeal no.7/2023 and order of Circle Officer Khodawandpur dated 3.11.2022 passed in Land Encroachment no.1/2021-22 which is bad in law and passed without considering the material of fact as well as law.

(ii) To quash the order of Collector, Begusarai as well as Circle Officer, Khodawandpur because both the order also not passed as per the law and decision of the Hon'ble Court as reported in 2018(2) PLJR, 810 in which the Hon'ble High Court a citizen right cannot be trampled by the brute force and the authorities of the State has acted in an irrational, arbitrary and vengeful manner where the construction of land, which had been therefore decades together, came to be demolished in a hot haste, then imposition of a cost of Rs.50,000/- on the State cannot be said to be unjustified.

(iii) To quash the order because this fact has been candidly admitted by the Circle Officer, the in Encroachment case



no.1/2021-22. The existence of an old house at that stage was also mentioned by the Circle Officer in his order dated 3.11.2022 it is also stated that there are conclusive evidence regarding settlement of disputed land with the petitioners by the ex-land lord. The settlement deeds have not been contested by the State as being a forge and fabricated document. The two orders are followed by the receipts issued by the ex-landlord and the State Government after the vesting of the estate are conclusive evidence regarding settlement of disputed land.

(iv) To quash the both order on the ground that ex-landlord Babu Kailash Pati Bihari Singh and others Malikan of Mauza Meghaul settled the land measuring 4 Katha in 1351 fasli equal to 1944 by taking a sum of Rs.5 and 8 Annas and issue rent receipt in favour of Hakkar Mahto and Hakkar Mahto (ancestors of petitioners) acquired right, title and possession over the land as bonafide settlement holder and from 8 decades ancestors and thereafter petitioners are valid possession over the land and house. So there is no question of Encroachment from this land to the petitioners.

(v) To quash the both orders i.e. Collector and Circle Officer on the ground that both the order admitted this fact that



Khata no.399, khesra no.1522 of the land in question is registered as "Gair Mazarua Khas Malik" and ex-landlord has settled the land in favour of ancestors of the petitioners and thereafter united Jamabandi no.1325 created and rent receipt taken by the ancestors of petitioners right now petitioners upto date 2023-24, 2024-25 and 2025-26 by the revenue officer.

(vi) To quash the both order of Collector and Circle Officer on the basis of decision of Hon'ble Court as well as Apex Court in 2018(2) PLJR, 810 and other judgment 1978, BBCJ 323, 1979 BBCJ, 605 (Jamaluddin Ahmad Vs. S.D.O.) held that where the settle claim settlement under Hukumnama there was no authority vested to the Collector to cancel the Jamabandi made in favour of a settlee from an ex-intermediary. the Jamabandi in this case having been created pursuant to a registered settlement."

3. Learned counsel for the petitioners submits that the documents appended with the writ petition as Annexure P/2 series, which are said to have been created in favour of these petitioners and standing in their names since 1977, still ignoring all these revenue records, the Collector, Begusarai is said to have upheld the order of Circle Officer, Khodawandpur.



4. At this stage, learned counsel for the petitioners, by referring to the statutory provision with regard to filing of review against the order passed by the Collector, submits that the petitioners may be directed to file statutory review and on filing of such review, learned Collector, Begusarai may be directed to examine all those documents having been issued in favour of the petitioners and the same is appended with the writ petition as Annexure P/2 (Series), with reference to the revenue records, so maintained in the District and if the documents, on verification, are found to be correct, in such event, necessary orders may be directed to be passed in accordance with law.

5. On the other hand, learned counsel for the State submits that the submission of the petitioners to file review before the appropriate authorities in terms of the provision of the Bihar Public Land Encroachment Act, 1956, may be extended in favour of these petitioners to ventilate their grievances, if the petitioners have valuable revenue documents to persuade the authorities to pass appropriate order on the claim of their entitlement over the land in question.

6. Considering the stand of the parties, this Court directs the petitioners to file review application within a period of three weeks from today and in case of filing of such



application, the Collector, Begusarai, after giving notice to all concerned, shall pass necessary orders with reference to the revenue records, which is maintained in the concerned District, and on finding the claims of the petitioners to be justified, the plot in question as against which the notice of demolition is issued, would be revisited by the Collector, Begusarai.

7. It is made clear that If the review petition is filed within the period of three weeks, in such event, the *status quo* shall be maintained till final orders are recorded on the said review application.

8. The writ petition, with the aforesaid observation and direction, stands disposed of.

(Ajit Kumar, J)

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