

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16266 of 2019

Md. Hanif Son of Late Raktu Mian Resident of Village- Panapur Gaurahi,
P.S.- Sadar, Hajipur, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Consolidation, Patna, Bihar.
2. The Deputy Director of Consolidation Hajipur, Vaishali, Bihar.
3. Krishna Singh S/o Late Ramashish Singh Resident of Village- Dighikala,
P.S.- Sadar, Hajipur, District- Vaishali, Bihar.
4. The Circle Officer Hajipur, District- Vaishali, Bihar.
5. The Bihar State Sunni Wakf Board Patna Through its Chairman, 2nd Floor,
Haj Bhawan, 34 Ali Imam Path, Harding Road, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Syed Firoz Raza, Sr. Advocate
	:	Mr. Sunil Kumar Singh, Advocate
	:	Mr. Kumar Devashish, Advocate
For the State	:	Mrs. Nutan Sahay, AC to AAG-12
For the Resp. No.3	:	Mr. Arbind Kumar Sinha, Advocate
	:	Mr. Ranjit Kumar Thakur, Advocate
For the Resp. No.5	:	Mr. Md. Helal Ahmad, Advocate
	:	Ms. Fakhra Tanaz Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 03-02-2026 Heard Mr. Syed Firoz Raza, learned Senior Counsel

for the petitioner and Mr. Arbind Kumar Singh, learned counsel

representing the respondent no.3 as also Ms. Fakhra Tanaz

Akhtar, learned counsel representing the respondent no.5 beside

Mrs. Nutan Sahay, learned AC to AAG-12 representing the

State.

2. The present petition has been preferred for the
grant of following relief(s):

“to issue a writ in nature of Certiorari



or appropriate writ/orders to quash the order of learned single judge of Bihar Land Tribunal dated 16.01.2019 passed in B.L.T Case No. 493 of 2014 whereby and whereunder the order of learned Director Consolidation, Hajipur passed in Revision Case No. 146/2011 dated 12.04.2012 has been upheld arbitrarily, unreasonably mere on conjecture & surmises against the canons of Law. The petitioner further prays for issuing a writ of Mandamus directing the respondent authorities to make necessary correction in consolidation record of rights and enter the name of Bihar Govt. in place of private respondents with description as KABRISTAN (Graveyard) as earlier to save kabristan-land(graveyard) from unauthorised encroachment/occupying and make such corresponding corrections in other revenue records also pertaining to land in question in that place and makes such corresponding corrections in other revenue records also pertaining to land in question.



The petitioner further seeks indulgence of this Hon'ble Court to ensure that the peaceful continuous possession of the land in question on which kabristan situate, is not disturbed by anyone unless in accordance with law.”

3. The matter relates to Khata No. 817, Plot No. 1129, area 18 decimal in Dighi Kala within Hajipur, Vaishali. While the petitioner's claim to be the care taker of the said land which according to him in the Cadastral Survey has been recorded as “Kabragah”, the stand of the respondent no.3 is that it is their raiyati land.

4. The parties have fought and won the battle at one or the different stage which finally reached the doors of the Bihar Land Tribunal and while different orders have come, the consistent view of all the Courts is/are that the matter can be resolved only before a competent Civil Court. The claim of the petitioner is based on a Cadastral Survey Report.

5. Learned Senior Counsel for the petitioner submits that the Cadastral Survey Report is/are missing and that has put spoke in the wheels of the petitioner in moving forward.

6. Learned State counsel as also learned counsel for the Waqf Board jointly submit that complex questions are there



to be answered which can at best be adjudicated before the competent Civil Court and that was also the view of the authorities and has been agreed by the parties herein also.

7. In that background, the Court disposes of the matter allowing the parties to approach the competent Civil Court for the redressal of the grievance and if any of the party approaches the court, the same has to be taken to its logical conclusion on the basis of materials available/evidences adduced without being prejudiced by any of the order passed earlier in the matter. If the State of Bihar is impleaded as party, it also has to put forward its view including bringing on record, the Cadastral Survey Report/Revisional Survey Report.

8. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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