

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11223 of 2022

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1. Janardan Pandit, Son of Late Saukhi Pandit;
 2. Chandeshwari Pandit, Son of Late Saukhi Pandit;
 3. Gannilal Pandit, Son of Late Saukhi Pandit;
- All are resident of Village - Mohanpur, Ward No. 12, P.S. - Bihariganj,
District - Madhepura.
4. Mukesh Pandit, Son of Late Mohan Pandit, resident of Village - Mohanpur,
Ward No. 12, P.S. - Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms
Department, Govt. of Bihar, Patna.
2. The Divisional Commissioners, Koshi Division, Saharsa.
3. The District Magistrate, Madhepura.
4. The Additional Collector, Madhepura.
5. The D.C.L.R., Udakishunganj, District - Madhepura.
6. The Circle Officer, Udakishunganj, Madhepura.
7. The Circle Officer, Bihariganj, Madhepura.
8. Yogendra Pandit, S/o Late Sahdeo Pandit, resident of Village - Mohanpur,
Nisph, Ward No. 12, Block - Udakishunganj, P.O. and P.S. - Bihariganj,
District - Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.
For the Respondent/s : Mr. AC to GP-18

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL JUDGMENT

Date : 28-04-2026

The present writ application, under Article 226 of



the Constitution of India, has been filled seeking following relief(s):

(i) For issuances of writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the impugned order dated 21.10.2021 passed by Sanjay Priya, the Hon'ble the Chairman of the Bihar Land Tribunal, Patna passed in B.L.T. Case no.280 /2019 (Mohan Pandit and others Vrs. The State of Bihar and others) whereby and where under the B.L.T. Case no.280/2019 filed by the petitioner and others have been dismissed and affirming the impugned order dated 5.1.2019 passed by the learned Collector, Madhepura passed in Basgit Parcha Revisional Case no.10/2017 by which he has affirm the order passed in Basgit Parcha case no.428/1973-74 has also been affirm and directed the petitioner will be a liberty to file the civil suit before the competent of Civil Court to declaration of right, title and possession over the disputed land.

(ii) For further the petitioner has challenging the order impugned dated 5.1.2019 passed in Basgit Parcha Revision Case no.10/2017(Mohan Pandit and another Vrs. Yogendra Pandit and others) passed by the District Magistrate cum-Collector Madhepura in which the Basgit Parcha Revision Case no.10 /2017 filed by the petitioner and others has been rejected and affirming the Basgit Parcha case No.428/1973-74 issued on dt.17.2.1975 issued by the Circle Officer, Udakishunganj, District Madhepura in which the petitioners praying for set-aside the Basgit Parcha revision case no.10/2017 passed under order dated 5.1.2019 may be quashed.

(iii) For further the petitioner seeking the quashing action the Basgit Parcha case no.428/1973-74 issued on dated 17.2.1975 issued by the Circle Officer, Udakishunganj, District Madhepura in favour of the



respondent no.7 may kindly be quashed.

(iv) For further any other relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case.

2. Heard the learned counsel for the parties.

3. The facts giving rise to the present writ application is to the effect that the land in question belonged to Late Sokhi/Saukhi Pandit. The R. S. *Khatiyaan* was prepared in the name of the father of petitioner Nos. 1 to 3, namely, Late Sokhi/Saukhi Pandit. After the death of their father, the petitioners came into possession over the said land. The house of the petitioners was constructed over the said land and the petitioners are not only residing in the said house with their family members, but they are also in possession of the remaining land which is situated around their residential house. The title and possession of the petitioners are not disputed and never interfered with, but, in the meantime, respondent No. 8 filed a petition for obtaining *Basgit Parcha* in the name of his wife, namely, Thethari Devi, and in collusion with the Circle Officer, respondent No. 8 obtained the *Parcha* of the said land on 17.02.1975.

4. The learned counsel for the petitioners submits that after the death of the father of petitioner Nos. 1 to 3,



namely, Late Sokhi/Saukhi Pandit, the petitioners came in possession of the said land and were enjoying the peaceful possession thereof. It has next been submitted that the petitioners were paying the rent of the said land and receipts were received by them regularly from the Government. It has further been submitted that respondent No. 8 tried to dispossess them while there is already a *Jamabandi*, bearing No. 561, in favour of Late Sokhi/Saukhi Pandit. It has next been submitted that all the heirs of Thethari Devi, the wife of Late Sahdeo Pandit, came over the land and they threatened the petitioners to dispossess them.

5. The learned counsel for the petitioners submits that respondent No. 8 has obtained the *Basgit Parcha* by committing forgery under the garb of the Bihar Privileged Persons Homestead Tenancy Act. It has next been submitted that the petitioners approached the Circle Officer, Bihariganj, Madhepura under the Right to Information Act, in which, they prayed for supply of the certified copy of Basgit Parcha Case No. 428/1973-74, however, an information was received on 25.05.2015, communicating them that there is no *Basgit Parcha* granted in favour of respondent No. 8 in respect of the said land.

6. The learned counsel for the petitioners next



submits that respondent No. 8 does not fall within the category of “Privileged Person” because he has got *Khatiyani* land, which is of 32 decimals before Basgit Parcha Case No. 428/1973-1974. It has next been submitted that on 12.06.2015, petitioner Nos. 3 and 4 received notice of Misc. Case No. 483/2015 under Section 144 of the Code of Criminal Procedure, 1973 (*in short the Cr.P.C.*), which was issued by the S.D.M. Udakishunganj, District - Madhepura in respect of the said land with a direction to the petitioners to file their show-cause notice in respect to the said land under Mauja-Mohanpur, Nisph, Thana No. 227, Khata No. 561, Khesra Nos. 1810 and 1811, Area 3 decimals, bounded as North - Yogendra Pandit, South - Gani Pandit, East - Yogendra Pandit and West - Khesra No. 1810, which is the part land of Schedule No. ‘A’. The petitioners obtained the certified copies of the entire order-sheets of Misc. Case No. 483/2015 under Section 144 Cr.P.C. and then they got knowledge about the claim of respondent No. 8 in respect of Case No. 428/1973-74.

7. It has been submitted that the petitioners filed an application before the Collector, Madhepura through Revision Case No. 10/2017, challenging the order dated 15.02.1975 passed by the Circle Officer, Bihariganj, Madhepura. The



Collector, Madhepura dismissed the said revision application on 05.01.2019.

8. The learned counsel for the petitioners next submits that they being dissatisfied with the order dated 05.01.2019, passed by the District Magistrate-cum-Collector, Madhepura, preferred a case by way of B.L.T. Case No. 280/2019 under the provisions of Sections 9 and 14 of the Bihar Land Tribunal Act, 2009. The said case was dismissed on 21.10.2021.

9. The learned counsel for the respondents-State, referring to the counter affidavit filed on behalf of respondent Nos. 3 to 7, submits that the father of petitioner No. 4, namely, Late Mohan Pandit filed a Basgit Parcha Revision Case No. 10/2017 against respondent No. 08, namely, Yogendra Pandit and others in the Court of Collector-Cum-District Magistrate, Madhepura and challenged the Basgit Parcha Case No. 428/1973-74. It has next been submitted that after hearing the parties, the Collector-cum-District Magistrate rejected the said petition and held that the *Parcha* was issued as per law and the Circle Officer, Udakishunganj, Madhepura was directed to make the measurement of the *Parcha* land properly. It has further been submitted that being aggrieved by the order of the



Collector-cum-District Magistrate, Madhepura dated 05.01.2019, the petitioners moved before the Bihar Land Tribunal, Patna (*in short the B.L.T., Patna*) vide B.L.T. Case No. 280/2019, in which, the B.L.T, Patna, after hearing both the parties, affirmed the order passed by the Collector-cum-District Magistrate and dismissed the petition on 21.10.2021.

10. It has lastly been submitted by the learned counsel for the respondents-State that specific averment has been repeatedly made in the petition, stating that the *Parcha*, vide Basgit Parcha Case No. 428/1973-74, issued by the Circle Officer, Udakishunganj, Madhepura, in the name of the mother of private respondent No.8, is in accordance with law.

11. The learned counsel for respondent No. 8, referring to the counter affidavit filed on his behalf, submits that his parents were in service of Late Sokhi/Saukhi Pandit, who had allowed the parents of respondent No. 8 to construct the residential houses over the *Basgit Parcha* land, measuring 3 decimals. It has next been submitted that the name of Late Thithari Devi had been mutated in respect to the *Basgit Parcha* land vide Jamabandi No. 272 in the '*Sherista*' of the State of Bihar in the year 1975 and since then rent receipts are being obtained regularly.



12. The learned counsel for respondent No. 8 submits that the *Basgit Parcha* was in the name of her mother, who fell in the category of a “Privileged Person”, as she did not possess any land. It has been submitted that the petitioners are trying to dispossess respondent No. 8 without any documentary evidence of their title over the land in question and the allegation of dispossessing is completely false.

13. The learned counsel for respondent No. 8 and the learned counsel appearing on behalf of the respondents-State have stated that from perusal of the information given to the petitioners on their application under the R.T.I. Act, it would be evident that there is some interpolation in the information which makes the document suspicious and as such, it cannot be relied upon and barring the said document, there is nothing on record to show the title of the petitioners over the said land.

14. Having heard the parties and taking into account the relevant facts that the petitioners have placed reliance on the information received by the Circle Officer, Bihariganj, Madhepura, under the R.T.I. Act, dated 25.05.2015, stating that no *Basgit Parcha* has been granted in favour of respondent No. 8; besides this, there is no other document produced on behalf of the petitioners to claim their title over the



land in question. It is mentioned in the order of the learned Collector-cum-District Magistrate, Madhepura that the families of *Parcha* holders are residing over the *Parcha* land after constructing their houses. The rent receipt(s) has also been issued with respect to the aforesaid land of *Parcha* holder *vide* Jamabandi No. 272 in the name of Thethri Devi till 2015-16. The B.L.T., Patna has mentioned in the order that submission was made before it on behalf of the *Parcha* holder that a *Panchayati* was held with respect to the disputed land on 07.04.2015 and 12.04.2015 by the village *Panches*, whereby the *Basgit Parcha* land was measured and demarcated. The aforesaid *Panchnama* bears signatures of the petitioners also. The petitioners have also filed Title Suit No. 47 of 2016 before the learned Sub-Judge-I, Madhepura, which was initially pending, but in the supplementary affidavit filed on behalf of the petitioners before the Tribunal, during the course of the hearing, it has been stated that the Title Suit has been dismissed for default by the learned Sub-Judge-I, Madhepura *vide* order dated 19.07.2017.

15. I am also of the view that the writ petitioners have not approached this Court with clean hands as when the original copy of the reply to R.T.I. was asked to be produced,



the learned counsel for the petitioners showed his inability, which further cast shadow over the credibility of such document, as some over-writing was apparent on the same.

16. The dispute between the parties is primarily of Title, which the petitioners are disputing against respondent No. 8 and, therefore, this Court has no hesitation in observing that there is no illegality in the impugned orders passed by the authorities concerned and the learned B.L.T., Patna, referred to above, and, therefore, no interference is required with the same.

17. Finding no merit in this writ petition, the same is, accordingly, dismissed.

18. Interlocutory application(s), if any, also stands disposed of accordingly.

(Sourendra Pandey, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.05.2026
Transmission Date	N/A

