

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11720 of 2025

1. Pauresh Kumar Harijan @ Paresh Kumar Harijan Son of Puslal Harijan, Resident of Silla Raghunathpur, P.S- Rauta, District- Purnea.
2. Prabhash Kumar Harijan Son of Puslal Harijan, Resident of Silla Raghunathpur, P.S.- Rauta, District- Purnea.
3. Shakti Kumar Harijan @ Satyam Kumar Harijan @ Saktiyam Kumar Harijan, Son of Puslal Harijan, Resident of Silla Raghunathpur, P.S- Rauta, District- Purnea.
4. Domni Devi Wife of Puslal Harijan, Resident of Silla Raghunathpur, P.S.- Rauta, District- Purnea.
5. Bappi Devi W/o Prabhu Kumar Harijan, Resident of Silla Raghunathpur, P.S.- Rauta, District- Purnea.
6. Gita Devi Wife of Shyam Lal Harijan, Resident of Silla Raghunathpur, P.S.- Rauta, District- Purnea.
7. Hemant Yadav Son of Harinath Yadav, Resident of Silla Raghunathpur, P.S.- Rauta, District- Purnea.
8. Md. Zahiruddin Son of Wasiruddin, Resident of Village- Asja, P.S. Rauta, District- Purnea.
9. Md. Zainuddin Son of Sukaru, Resident of Village- Asja, P.S. Rauta, District- Purnea.
10. Md. Ashgar Son of Md. Abid, Resident of Village- Asja, P.S. Rauta, District- Purnea.
11. Mateful Son of Nasiruddin, Resident of Village- Asja, P.S. Rauta, District- Purnea.
12. Md. Abid Son of Nasiruddin, Resident of Village- Asja, P.S. Rauta, District- Purnea.
13. Alim Son of Zumedin, Resident of Village- Asja, P.S. Rauta, District- Purnea.
14. Matiur Rahman @ Manir Son of Late Md. Lukman Ali, Resident of Village- Asja, P.S. Rauta, District- Purnea (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Collector-cum-The District Magistrate, Purnea.
3. The Additional Collector, Purnea.
4. Sub Divisional Officer, Purnea Sub-Division, District- Purnea.
5. The Deputy Collector, Land Reforms Purnea.
6. The S.D.O. Baisa Block, District- Purnea.



7. The Circle Officer, Baisa Block, District- Purnea.
8. The Superintendent of Police, Purnea.
9. The Officer Incharge Routa Police Station, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish, Advocate
Mr. Munish Om Prakash Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (08)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-03-2026 Heard the parties.

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

“(a) For issuance of writ in the nature of certiorari for quashing the order dated 28.05.2024 passed by the S.D.O. Baisi, Purnea where by and where under he has rejected the representation filed by the petitioners regarding permanent settlement of land in question in the name of the petitioners, which is contrary to the decision / order and direction dated 01.12.2023 passed in C.W.J.C. No. 7601/2022.

(b) For further issuance of writ in the nature of mandamus directing/commanding the concern respondents to make permanent settlement / renew the settlement of land in question situated



at Mauza - Asja, Thana No.23, Anchal-Baisa, District - Purnea to the petitioner no.1 to 3, and to the petitioner no. 5 to 13 as well as also to renew the settlement of land in question situated at Mauza - Balia Toli, Thana No.25, Anchal Baisa, District - Purnea to the petitioner no. 4.

(c) For the writ petitioners also pray before this Hon'ble Court to hold and adjudicate that the order passed by the S.D.O. Baisi, Purnea dated 28.05.2024 (as contained in Annexure -P/6) is contrary to the decision / order and direction dated 01.12.2023 passed in C.W.J.C. No. 7601/2022 since as per order dated 01.12.2023, the District Magistrate Purnea had been directed to dispose of the representation which had been filed by the petitioners in accordance with law after hearing the parties, preferably within six months from the date of receipt of copy of this order.

(d) For directing/commanding the concern respondents not to settle the land in question to any other persons in view of the fact



that the Land in question were earlier settled in the favour of the petitioners.

(e) For directing the Circle Officer Baisa Block , District - Purnea to maintain the status quo in respect of the land in question till the final disposal of the present writ application.

(f) For issuance of appropriate writ/writs, order/orders, direction / directions for fixing appropriate and adequate accountability on the concern respondents / authorities / officials because of whom, the Petitioners have been dispossessed from the Land in question and the concerned respondents subsequently made settlement in favour others The petitioners are now being unlawfully restrained from entering or cultivating the land in question despite being the lawful and legitimate Bandobast 66 Dharis".

(g) The writ petitioners also pray before this Hon'ble Court to issue appropriate writ/writs order / orders direction / directions , commanding the concern respondents to prevent any harassment while ensuring peaceful settlement of land.



(h) For any other relief/ relies for which the petitioners are entitled under the law and also as per facts and circumstances of this case.”

3. Without going into the merit of the case, this Court will straightaway take up the order dated 01.12.2023 passed by the Coordinate Bench in the case of **Prabhu Kumar Harijan & Ors. vs the State of Bihar & Ors. (CWJC No. 7601 of 2022)** and the short order read as follows:

“Heard learned counsel for the parties.

2. This writ application has been filed for directing respondent authorities to make permanent settlement of the land bearing Mauza- Baliatoli, Thana No. 25, Khata No. 7, Khesra No. 01, 2. Area- 2 Acre, Khesra No. 8, 2, Area- 2 Acre, Khata No. 3, Khesra No. 01, Area- 1 Acre, Khata No. 3, Khesra No. 1, Area- 2 Acre in the name of the petitioners.

3. Learned counsel for the petitioners submits that an application has been filed before District Magistrate, Purnia (Respondent No. 2) on 03.03.2022 regarding settlement of the land in question in the name of these petitioners but no



action has been taken till date.

4. In view of the submission made on behalf of the petitioners, District Magistrate, Purnia (Respondent No. 2) is directed to dispose of the representation which has been filed by the petitioners on 03.03.2022 in accordance with law, after hearing the parties, preferably, within a period of six months from the date of receipt of copy of this order.

5. Writ petition stands disposed of with the aforesaid direction.”

4. Learned counsel for the petitioners submit that thereafter, for compliance of the order of the Patna High Court, they represented before the District Magistrate, Purnea but instead, the order has been passed by the Sub Divisional Officer, Baisi (Annexure-P/6) on 28.05.2024.

5. The submission is that an order was passed by the Patna High Court but the Collector, Purnea chose to defy the said order.

6. The counter-affidavit has come on behalf of the respondents but no reason has been assigned why the order of the Patna High Court, as recorded above, was defied and the



Collector, Purnea chose not to pass any order.

7. Direction given to a respondent cannot be delegated to any other respondent, in the opinion of this Court.

8. In that background, solely on this ground, the order dated 28.05.2024 passed by the Sub Divisional Officer, Baisi is quashed.

9. The Collector, Purnea is directed to take up the matter and comply the order dated 01.12.2023 passed by the Coordinate Bench by hearing the parties and take an appropriate decision.

10. The petitioners undertake to file fresh separate representation(s) before the Collector, Purnea in next eight weeks who shall be deciding the matter in six months from the filing of the representation.

11. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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