

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10013 of 2026**

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Md Ayaz Ahmad Son of Md. Fazle Haque, Resident of ward no 32,  
Abdullahpur, PO and PS Laheriasarai, Dist. Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Land Revenue and Reforms Department, State of Bihar, Patna.
2. The Collector/District Magistrate, Darbhanga.
3. The Circle Officer, Darbhanga Sadar, Darbhanga.
4. The Additional Collector, Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pradeep Kumar Singh, Adv.  
For the Respondent/s : Mr. Subhash Prasad Singh, GA-3

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**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL ORDER**

2      09-07-2026                      Heard learned counsels for the respective parties.

2. Approaching this Court for a direction to the respondent no. 3 i.e. Circle Officer, Sadar, Darbhanga for doing mutation of the land in favour of the petitioner and accordingly, for issuance of a rent receipt after completion of the process of mutation, the petitioner has highlighted the gross negligent, reckless and irresponsible conduct of the Circle Officer, Sadar, Darbhanga who, as learned counsel for the petitioner submits, has not only shown the scant regards for the due process of law, but has also displayed gross indiscipline by ignoring the directions of his superior administrative officers.

3. Learned counsel for the petitioner submits that having purchased a piece of land appertaining to Municipal Plot



No. 23067 and 26105 in Mohalla Chakkajipura, Mauja Abdullahganj, under Old Municipal Ward No. 26 (present Ward No. 32), P.S. - Laheriasarai, Darbhanga having an area of 1.5 Kathas through a registered sale deed dated 13.10.2003, petitioner filed an application before the Circle Officer, Sadar, Darbhanga on 28.01.2016 for mutation of the aforesaid land. Seeing no action, the petitioner again filed an application before the Circle Officer, Sadar, Darbhanga for mutation of the aforesaid land on 05.03.2016.

4. As submitted, the Circle Officer, Sadar, Darbhanga (respondent no. 3) instead of passing an order with respect to aforesaid land of the petitioner for mutation, issued a notice to the petitioner in Form No. 1 vide his letter dated 22.06.2022 under Bihar Public Land Encroachment Act, 1956, in a Encroachment Case No. 8/2022-23 with a direction to appear on 06.07.2022 and file his response thereon. Pursuant thereto, the petitioner appeared on 06.07.2022 before the respondent no. 3 and produced documents in support of his claim that the land for which encroachment notice has been given to him, is his *raiyati* land, purchased through a registered sale deed dated 13.10.2003 and as such, prayed for closing the encroachment case on account of it being misconceived. Instead, the respondent No. 3



passed an order dated 06.07.2022, the day on which the petitioner appeared and filed his documents in support of his claim with respect to the nature of land being *rayati*, declaring the petitioner to be an encroacher and directed the office for issuance of a notice under Form No. II for vacating the aforesaid land, without considering any of the documents so produced by the petitioner.

5. Learned counsel for the petitioner further points out that much prior to the initiation of the encroachment case by the respondent no. 3 holding the land in question to be a Government land, Additional Collector, Darbhanga vide his letter No. 534, dated 22.04.2003 directed the Circle Officer, Sadar, Darbhanga to fix the rent on the aforesaid land in view of the construction of the houses thereon with a specific and categorical finding that the land is *raiyati* in nature. This direction of the Additional Collector in the year 2003, has also the approval of the Collector, Darbhanga, as evident from Annexure P/5 appended to the writ application.

6. Learned counsel for the State could not dispute the aforesaid factual aspect of the matter which is duly supported by the documents brought on record in the form of annexures appended to the writ application. But he fairly submits that from



the documents it appears that the Circle Officer, Sadar, Darbhanga (respondent No. 3) without properly verifying the documents and examining the same, took steps for removing the encroachment by initiating encroachment proceeding against the petitioner. He also submits that the respondents may be directed to dispose of the application of petitioner for mutation of the aforesaid land expeditiously, in accordance with law.

7. The case at hand reflects a very sordid state of affairs at the ground level, specially at the lower level of the District administration, where the Circle Officers who have been posted and entrusted with the onerous responsibility of collection of revenue, maintaining the revenue records, verifying the documents with respect to various *jamabandis* etc., have not been discharging their duty, rather they have been behaving in a very autocratic and tyrannical manner, showing scant regards to the statutory provisions as well as the directions and orders issued by the superior authorities of the district.

8. In the present case, the petitioner having purchased a piece of land through registered sale deed in the year 2003, applied for mutation on 28.01.2016 and 05.03.2016 respectively. Instead of passing any orders on such an application duly filed by the petitioner for mutation and issuance of rent receipt, the



respondent no. 3 i.e. Circle Officer, Sadar, Darbhanga (respondent No. 3) sat over the matter for six years and all of a sudden on 22.06.2022, issued a notice to petitioner under Bihar Land Encroachment Act, 1956 by instituting a Encroachment Case No. 08/2022-23, directing him to appear on 06.07.2022 with supporting documents. Petitioner appeared in compliance thereof on 06.07.2022 and produced his documents, showing his *bonafide* ownership over the land, but instead of considering the same, respondent no. 3 without even properly verifying the documents so produced, same day i.e. 06.07.2022, declared the petitioner to be an encroacher after holding his land to be a Government land and directed the office for issuance of notice in Form No. II of the aforesaid Act for getting the land vacated.

9. The petitioner, being aggrieved by the aforesaid order dated 06.07.2022 of respondent No. 3, preferred an Encroachment Appeal under Section 11 of the Bihar Land Encroachment Act, 1956 before the Additional Collector, Darbhanga vide Encroachment Appeal No. 140/2022-23 wherein, the Additional Collector, Darbhanga after having heard the concerned parties and having examined all the documents produced on behalf of the petitioner, cross-checking it and verifying it from the Government records and the enquiry



reports so submitted by the concerned authorities, came to a conclusive finding that the land measuring an area of 1.5 Kathas appertaining to Municipal Plot No. 23067 and 26105 in Mohalla Chakkajipura, Mauja Abdullahganj under Old Municipal Ward No. 26 (present Ward No. 32), P.S. - Laheriasarai, Darbhanga is *raiya* land over which petitioner has possession and ownership and accordingly he set aside the order dated 06.07.2022 passed by Circle Officer, Sadar, Darbhanga (respondent No. 3) vide his order dated 22.07.2023 and directed the Circle Officer to pass appropriate order with respect to mutation of the aforesaid land.

10. It is apposite to quote the relevant findings so recorded by Additional Collector in his order with respect to the nature of the land :-

"इस संबंध में अपर समाहर्ता, दरभंगा का पत्र सं0-534/रा० दिनांक-22.04.2003 जिला स्कूल के पश्चिम दुमदुमा चककाजीपुरा में अवस्थित सरकारी तालाब का खेसरा सं0-23067 एवं 26105 पर अतिक्रमण के संबंध में प्रतिवेदन समर्पित है। इस संबंध में अंचल अधिकारी, सदर दरभंगा, भूमि सुधार उप समाहर्ता, सदर दरभंगा एवं अनुमंडल पदाधिकारी, सदर दरभंगा से कराई गयी है। जाँच में यह पाया गया है कि जमीन पुराने सर्वे खतियान से ही रैयती है। दाखिल खारिज वाद सं0-713/63-64 से रैयत के नाम जमाबंदी सं0-119 कायम हुआ और वर्तमान रैयत को दाखिल खारिज वाद सं0-1686/90-91 द्वारा नामांतरण होकर जमाबंदी सं0-286 कायम हुआ। उक्त जाँच से यह परिलक्षित होता है कि प्रश्नगत जमीन कभी सरकारी तालाब के रूप में नहीं था, लेकिन रैयतों द्वारा बहुत पूर्व तालाब का स्वरूप दिया गया। इस संबंध में सरकारी अधिवक्ता का मतव्य भी प्राप्त किया गया, जो भूमि सुधार उप समाहर्ता एवं अन्य के प्रतिवेदन से सहमति व्यक्त की गई है।"



Further the Additional Collector has also given a categorical finding highlighting the lapses on the part of the Circle Officer, Sadar, Darbhanga (respondent No. 3) in the following words :-

"अंचल अधिकारी, सदर दरभंगा को चाहिए था कि प्रश्नगत भूमि पर अतिक्रमण वाद प्रारम्भ करने से पूर्व पूर्णतया यह सुनिश्चित हो लेते कि प्रश्नगत भूमि "लोक भूमि" है और यदि लोक भूमि है तो इसकी विधिवत जमाबंदी रद्द करवाते उन्हें तदुपरान्त बिहार लोक भूमि अतिक्रमण अधिनियम 1956 के अन्तर्गत विधिवत कार्रवाई करते। किन्तु बिहार लोक भूमि अतिक्रमण अधिनियम 1956 के अन्तर्गत अतिक्रमण वाद सं०-08/2022-23 में अंचल अधिकारी, सदर दरभंगा के द्वारा न तो लोक भूमि के रूप में प्रश्नगत भूमि का सही ढंग से सत्यापन किया गया और न ही जमाबंदी रद्दीकरण की कार्रवाई की गई। इसलिए आवेदक की ओर से लाया गया अतिक्रमण अपील वाद को स्वीकृत करते हुए अतिक्रमण वाद सं०-08/2022-23 में अंचल अधिकारी, सदर दरभंगा द्वारा की गई कार्रवाई एवं आदेश को उपरोक्त प्रेक्षण के आलोक में निरस्त किया जाता है।"

11. The order dated 22.07.2023 passed by the Additional Collector, Darbhanga highlights the glaring misconduct and recalcitrant approach and conduct of the respondent no. 3 i.e. Circle Officer, Sadar, Darbhanga who without following the due process, without examining the documents so produced on behalf of the petitioner and without complying the due process as mandated by the statutory provisions, in an undue haste, passed an order dated 06.07.2022, holding the land of petitioner to be Government land and



declaring the petitioner to be an encroacher. Not only this, respondent no. 3 did not pass any order on the mutation application filed by petitioner on 28.01.2016 and 05.03.2016 and for this reckless conduct of the respondent no. 3, not only the petitioner has to suffer on account of non-mutation of land in his favour, but also a loss, in terms of revenue, has been caused to the State Exchequer, for which the respondent no. 3 i.e. Circle Officer, Sadar, Darbhanga could only be held responsible.

12. Perusal of the Annexure-P/5 which is letter no. 534 dated 22.04.2003, issued under the hand of Additional Collector, Darbhanga addressed to the Circle Officer, Darbhanga also brings to the fore, the negligent and reckless conduct of the respondent no. 3, who in-spite of the categorical direction issued by Additional Collector, Darbhanga, which has the due approval of the Collector of the district, for fixing rent on the aforesaid land appertaining to Municipal Plot No. 23067 and 26105 in Mohalla Chakkajipura, Mauja Abdullahganj under Old Municipal Ward No. 26 (present Ward No. 32), P.S. - Laheriasarai, Darbhanga having an area of 1.5 Kathas, did not pass any order with respect to the fixation of rent. All these letters have been issued by the competent administrative authorities, to which respondent no. 3 i.e. Circle Officer, Sadar,



Darbhanga is sub-ordinate.

13. In this backdrop, the respondent no. 3 i.e. Circle Officer, Sadar, Darbhanga is hereby directed to pass an appropriate order within four weeks from the date of receipt/production of a copy of this order, on the application already filed by the petitioner for mutation of his land. The Collector, Darbhanga shall ensure the compliance of this order by personally monitoring the same and if any laches are found on the part of any administrative authority, then suitable administrative action will be taken against them.

14. Before parting, the Court thinks it fit to bring this order to the notice of the Chief Secretary, Bihar, The Principal Secretary, Department of Revenue, Bihar and the Collector, Darbhanga who must have the first hand information about the conduct of their sub-ordinate officers, who are not only jeopardizing the interest of the common people by resorting to myriad kind of harassing tactics, but also causing loss to the State Exchequer and on account of their such reckless and negligent conduct, more often law and order situation crops up, which questions the efficacy of the district administration and their ability to maintain peace in the society ensuring the rule of law.



15. The writ petition stands disposed off in the  
aforesaid terms.

16. The interlocutory application(s), if any, stands  
disposed off.

**(Rana Vikram Singh, J)**

Supratim/-

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