

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11467 of 2025

Md. Sayeed Son of Late Abdul Gafoor, Resident of Village- Kanhauli
Bishundutt, Sahni Tolla, P.S.- Mlthanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue, Patna.
2. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
3. The Registrar, Registry Department of Land, Muzaffarpur, District- Muzaffarpur.
4. The Circle Officer, Mushary, Block- Mushary Muzaffarur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv. Mr. Yugal Kishore, Adv.
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-03-2026 Heard Mr. Yugal Kishore, learned counsel for the
petitioner and the State.

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

(i) for issuance of an appropriate writ in the nature of Mandamus Commanding the Respondent Authorities to consider the case of the petitioner for accepted the sale deed executed by petitioner, in favour of one Md. Imroj vide dated 05.06.2024, (Annexure-P/4) which was earlier denied by respondent no.-3 on the ground that there is stay over the land bearing Khata no.-60 Khesra no.-493,



area 18 decimal of Mauja- Damodarpur, Halka-Bara jagarnath, Thana- Ahiyapur, Thana no. 674, District Muzaffarpur; vide order dated 14.01.13 passed in M.A No. 65/2009 "Azima Khatoon Versus Md. Ilyas and Ors" (Annexure-P/3) and while passing the same, the respondents failed to consider fact that Khata no. 60 Khesra no.- 493 has total area 36 decimal land and the petitioner has purchased 18 decimals of land of Khata no.-60 Khesra no.-493, Mauja- Damodarpur Halka- Bara jagarnath, Thana- Ahiyapur, Thana no. 674, district -Muzaffarpur in his name as well as in name of his wife accordingly mutation has created in the name of petitioner as well as his wife vide Mutation no. 231 and 232. and also failed to consider that in administrative case no. 8/2008 (annexure-P/2) the petitioner is not party in the suit, nor any way the petitioner is related with Azima Khatoon and Administrative case has been filed only for area of 18 Decimals land of Khata no. 60 Khesra no. 493.

(ii) For issuance of a direction in nature of mandamus to the respondents to verify the total area of Khata no.-60 Khesra no.-493, Mauja- Damodarpur, Halka- Bara jagarnath, Thana-Ahiyapur, Thana no. 674,district- Muzaffarpur and if it is found that the claim of Petitioner is just proper and legal then the respondents should accept the



execution of sale deed, executed by the petitioner to any other person as there is no any stay over the land is question as stated above.

(iii) Any/or other Order or orders may be passed as your lordship may deem fit and proper in the facts and circumstances of the case be granted to the Petitioner.

3. The matter relates to a piece of land having Khata No. 60, Khesra no.- 493, area- 18 decimal under Pushary P.S. and Circle, district- Muzaffarpur.

4. The claim is that it has been purchased in the year 1989 and 18 out of 36 decimal was purchased but it could not be executed as there is a stay in **M.A. No. 65 of 2009 (Azima Khatoon vs. Md. Iliyas & ors.)**.

5. The submission of Mr. Yugal Kishore is that the total land is 36 decimal; stay is only for 18 decimal, he owns rest of the 18 decimal but due to confusion, no further step is being taken by the respondents.

6. A counter affidavit has come on behalf of the State-respondent duly signed by the Circle Officer, Mushary, Muzaffarpur according to which, despite knowledge of the pendency of M.A. No. 65 of 2009, Azima Khatoon has not even been put in the list of respondents. Further, a **Title Suit No. 498 of 2012** is also pending before the learned **Sub-Judge-VIII, East,**



Muzaffarpur.

7. This Court has taken note of the fact that the matter is *sub judice*, the petitioner has failed to provide any details as to whether the land in question is part of the title suit or free from any litigation. In that background, he is well advised to approach the appropriate revenue authority along with all the supporting documents where those fighting the **Title Suit No. 498 of 2012** shall also be noticed to come to a conclusion whether the land of the petitioner is part of the said title suit or not.

8. If it is found that the petitioner's land is not the disputed land and/or part of litigation, thereafter, if any fee is deposited along with proper prayer, the respondents can take steps for the measurement of the land and pass necessary order.

9. The second step is to be undertaken only if the respondents come to the conclusion that the land which the petitioner claims is not under any dispute.

10. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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