

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2226 of 2016

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Surya Narayan Singh Son of Late Prayag Narayan Singh Resident of village -
Surakol, P.O. Jogdiha, P.S. and District - Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The District Magistrate, Banka
4. The Deputy Collector, Land Reforms, Banka District Banka
5. The Circle officer, Banka, P.S. and District - Banka
6. Jugal Yadav Son of Dhuran Mahto
7. Loungi Yadav Son of Late Puran Mahto
8. Suphali Yadav Son of Late Puran Mahto
9. Manni Yadav Son of Loungi Yadav
10. Dhani Yadav Son of Loungi Yadav All residents of village - Surakol, P.O.
Jogdiha, P.S. and District - Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Ram Singh, Advocate
	:	Mr. Keshav Raj, Advocate
For the State	:	Mr. Durgesh Nandan, AAG-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-02-2026 Heard Mr. Parmatma Singh, learned counsel for the

petitioner and learned counsel representing the State.

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

*“for issuance of an appropriate
writ/writs in the nature of writ mandamus
commanding upon the respondents concerned to
restore the possession of the disputed land in*



favour of the petitioner in compliance of the order of learned Commissioner, Bhagalpur (respondent no.2) in Banka Misc. (BLDR) Appeal Case No. 118/2013-14 dated 24.02.2014.”

3. In Banka Misc. (BLDR) Appeal Case No. 118 of 2013-14 (Surya Narayan Singh vs. Dhuran Mahto), the Divisional Commissioner, Bhagalpur on 24.02.2014 passed a short order as under:

“This appeal has been filed against the order dated 27.08.2013 passed in BLDR Case No. 52/2013-14 by the DCLR Banka. The appellant has stated that the disputed land located in Mouza Rainia, Thana No. 95, Anchal Banka, P.S Banka, District- Banka bearing Khata No. 136 Khesra No. 1202 area 04 decimals which was acquired by Prayag Singh S/o Shrinath Singh by Hukumnama of 1917 from the Laxmipur Estate and the Ex/landlord granted rent receipt in respect of the land in question and recognized the tenancy of Prayag Singh over the land. The Ex/landlord submitted Return in the



name of Prayag Singh and Jamabandi No. 467 was created and rent receipts were issued to Prayag Singh. In an amicable settlement amongst the sons of Prayag Singh, the appellant got the right over the land in dispute. The members of the respondents dispossessed the appellant on 29.04.2013. The respondent members are claiming their right on the basis of copy of khatian of 1907 which stands in the name of Sattan Mahto.

The respondents have stated that the appeal petition is not maintainable. The appellant wants to harass them since they are poor persons. The respondents claim that they are in possession of the land in dispute since beginning. the Cadastral Survey Khatian was done in the name of Sattan Mahto S/o Gopes Mahto who was ancestor of the respondents.

On going through the details of the case, I find that the appellant is claiming that he and his ancestors had in possession since 1917 and he was dispossessed in 2013 and the same



has been confirmed by the report of Anchal Amin. However the respondents claim that they ancestors have been in continuous possession for more than 100 years. In this circumstances, the Anchal Adhikari is hereby directed to conduct spot inspection and find out whether the appellant and his ancestors were in continuous possession of the land on the basis of Hukumnama of 1917. If it is found that the appellant had been in continuous possession (before dispossession on 29.4.2013) after getting the Hukumnama, the possession of the appellant should be restored. If it is found that the respondents and their ancestors have been in continuous possession since last 100 years, the appellant cannot claim his right on the basis of Hukumnama. The Anchal Adhikari should do the spot inspection within 15 day of the receipt of the order. The case is hereby disposed.”

4. Learned counsel for the petitioner submits that to his knowledge, no title case has been filed but the revenue authorities have chosen to look the other way and failed to



comply the order.

5. The State as usual has not filed any affidavit and on call, prayer for adjournment has been made.

6. This Court has an option to impose cost while allowing the adjournment, alternatively, it would be appropriate that since the matter is pending for a decade, the revenue authorities are directed to look into the matter, issue necessary notices to the parties and take the matter to its logical conclusion if still not concluded.

7. This order is being passed on the categorical statement of the learned counsel for the petitioner that neither of the parties have moved before the competent Civil Court.

8. Needless to add, failure to comply the order by the Divisional Commissioner, Bhagalpur as recorded above, the revenue authorities may be inviting contempt.

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

(Rajiv Roy, J)

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