

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15776 of 2019

Bharti Jha @ Bharti Devi Wife of Late Gyaneshwar Jha R/o Village-
Barharwa, P.S. Chanpatiya, District-West Champaran Petitioner/s
Versus

1. The State of Bihar through Collector, West Champaran at Bettiah
2. The Collector West Champaran at Bettiah
3. The Sub Divisional Officer Bettiah
4. The Additional Collector Bettiah
5. The Land Reforms Deputy Collector Bettiah
6. The Circle Officer Sikta, District-Bettiah
7. The Circle Officer Chanpatiya, both District-West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 09-02-2026 Heard Mr. Aditya Nath Jha, learned counsel for the
petitioner and the State.

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

*(i) for issuance of an appropriate writ/writs
quashing the notification contained in
Annexure-2 of this application passed in Land
Ceiling Case No.35/1975-76 and for a
direction to the respondents to abstain
themselves from taking steps to acquire or
distribute the land detailed in Annexure-4
which are lands of petitioner's husband and
were subject matter of land Ceiling Case No.*



340 of 1975-76 initiated against petitioner's husband but wrongly clubbed with the lands of Laxmeshwar Jha against whom land Ceiling Case No. 35/1975-76 was initiated.

3. The petitioner is widow of the land holder Gyaneshwar Jha who faced the Land Ceiling Case No. 35/1975-76 in West Champaran relating to lands which is placed at Sikta, West Champaran.

4. The widow's husband's uncle, Laxmeshwar Jha was also part of the said proceeding and the lands which were released in their favour have been brought on record by way of Annexure-1 and 2.

5. The contention is that certain piece of land in Mangalpur Sikta of different khatas and khesras have been incorporated both in the gazette publication of the petitioner's husband as also her husband's uncle, Laxmeshwar Jha causing complete confusion to the family. The contention is that those lands were actually allotted to them under the family consensus and as such the same has to be removed from the list of the land released in favour of Laxmeshwar Jha.

6. At the outset, learned State counsel points out that though the petitioner is claiming release of the land which also finds incorporated in the land details of Laxmeshwar Jha, he/heirs



have not been made party respondents in the case and as such, the writ petition is fit to be dismissed for non-joinder of the necessary parties. The contention in the counter affidavit is that this may lead to re-opening of the land ceiling proceeding.

7. Learned counsel for the petitioner submits that the said mistake has occurred but it will suffice that the respondents who themselves have committed wrong by incorporating the same land in both the notification of the widow's husband as also Laxmeshwar Jha should look into the matter and pass a reasoned order.

8. This Court has gone through the land details of widow's husband as also that of Laxmeshwar Jha. Admittedly, the some of the same lands have been recorded in both the columns of the widow's husband as also the uncle of the widow's husband. Deciding that which of the inclusion is correct, in the opinion of the court is not re-opening of the land proceeding inasmuch as, it can be clerical mistake which has to be rectified but only after hearing all the stake holders including the Laxmeshwar Jha, his heirs.

9. Learned State counsel has rightly pointed out the writ petition has been filed in the year 2019, seven years have lapsed, the petitioner's claims that the entry in the land of Laxmeshwar Jha is incorrect, surprisingly, he/heirs have not been made party



respondents in the writ petition.

10. The writ petition on this count should have been dismissed for non-joinder of the necessary parties. However, in the interest of justice and since the coordinate benches earlier took note of the aforesaid error in the record, it would be appropriate that the petitioner approaches the Collector, West Champaran, respondent no.2 with the prayer/supporting documents who shall be issuing notice to the stake holders, getting a report and shall be taking a reasoned decision.

11. It is once again made clear that the aforesaid order/ observation is only restricted to error in the record which the petitioner has shown that the same piece of land has been recorded in the list of released land to her husband vis-a-vis Laxmeshwar Jha. The petitioner shall not be allowed to agitate any further point in the representation that is to be filed by the her/heirs before the respondent no.2, the Collector, West Champaran.

12. The writ petition is disposed of.

(Rajiv Roy, J)

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