

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12949 of 2023

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1. Gopal Ji Mishra Son of Late Vasudev Mishra Resident of Village-Sonbarsa, P.O.-Sonbarsa P.S.-Buxar (Industrial), District-Buxar.
 2. Suryabansh Mishra Son of Late Nanaku Mishra Resident of Village-Sonbarsa, P.O.-Sonbarsa P.S.-Buxar (Industrial), District-Buxar.
 3. Chakaan Ji Mishra Son of Late Nitya Nand Mishra Resident of Village-Sonbarsa, P.O.-Sonbarsa P.S.-Buxar (Industrial), District-Buxar.
 4. Ganesh Ji Pandey Son fo Late Gori Shankar Pandey Resident of Village-Sonbarsa, P.O.-Sonbarsa P.S.-Buxar (Industrial), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna, Bihar.
2. The Principal Secretary, Urban Development Department, Patna, Bihar.
3. The District Magistrate, Buxar
4. The Circle Officer, Buxar, Buxar,
5. The Thana-in-Charge, Buxar (1), Buxar.
6. Bijendra Prasad Son of Khublal Ram Resident of Village-Sonbarsa, P.O.-Sonbarsa P.S.-Buxar (Industrial), District-Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the State	:	Mrs. Nutan Sahay (Aag12)
For the respondent no.06:		Mr. Ranjit Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-06-2026 Heard Mr.Rajiv Ranjan Kr. Pandey, learned counsel

for the petitioners and Mrs. Nutan Sahay, learned State Counsel

as also Mr. Ranjit Tiwary, learned counsel for the respondent

no.06.

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

(i) for issuance of a writ in the nature of



mandamus Commanding and directing the concerned respondent authority for Cancel the 'Bandobast Land' settled in the name of Bijendra Prasad (Respondent No-6) in Bandobasti Case No-02/1974-75 of Khata No-171, Khesra No-750, 753, 786, 787, 788, 809 & 810 total area measuring about 2 Acre 79 Decimal, of Muza-Sonbarsa, situated of the village- Sonbarsa, P.O.- Sonbarsa. P.S.-Buxar (1), District- Buxar, the nature of the said land is "Annabad Sarve-Sadharani, and the name of the 'Rayat' in the Kathiyan is also mentioned as Anabad Sarve Sadharan Bihar Sarkar and the nature of the land is either 'Pokher', or 'Rasta' or 'Gadaha' or 'Dev-Asthan' and entire land used for the purpose of general public;

(ii) further direct the concerned respondents, to supply the records of the Demarcation Case No-02/2022-23 to the petitioner no-1 and also to remove the encroachment, if any,



*found by them as the respondent no-6 claims
that the land is settled in his name long
back;*

*(iii) for issuance of other writ/ writs
order/orders, direction/directions for which
the petitioner found entitle to.*

3. Pursuant to the last order, a counter-affidavit has come and the respondent Circle Officer, Buxar having taken note of the entire facts conducted an enquiry and came to the conclusion that the documents of the respondent, Bijendra Prasad (respondent no.06) do not match with the documents of the District Record Room, Buxar and in that background, proposal has been sent vide letter no. 204 dated 09.06.2026 for cancellation of the 'Purcha' before the respondent-Collector, Buxar where the same is pending.

4. Learned counsel for the petitioners submit that since the respondents themselves have taken of the steps, his grievance stands redressed.

5. Learned counsel representing the respondent no.06 on the other hand submits that when a proposal has been sent to the Collector, Buxar, he must be heard before an order is passed.

6. Learned State counsel submits once the Collector,



Buxar takes up the matter, it is quite logical that both the petitioners as also the respondent no.06 beside other stake holders shall be heard.

7. Recording the different submissions put forward by the learned counsels, this Court is of the opinion that when the Collector, Buxar has been forwarded the proposal as recorded above, he/she is duty bound to hear all the parties and pass a reasoned order at an earliest.

8. Since the new incumbent has come and Mr. Udhav Mishra, the then Circle Officer, Buxar stands transferred, this Court recalls the earlier order passed by which a cost of Rs.2000/- was imposed. The respondents are not required to make any payment.

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

(Rajiv Roy, J)

Ravi/Shivangi

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