

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13483 of 2023

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1. Navin Kumar Paswan Son of Late Munilal Paswan, Resident of Village- Khudra, Airpur Hardas, P.S.-Rautra, District-Katihar.
 2. Arjun Paswan Son of Late Munilal Paswan, Resident of Village- Khudra, Airpur Hardas, P.S.-Rautra, District-Katihar.
 3. Barun Kumar Paswan @ Barun Pasvan Son of Late Munilal Paswan, Resident of Village- Khudra, Airpur Hardas, P.S.-Rautra, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Circle Officer, Korha (District-Katihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-04-2026 Heard the parties.

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

I. For that the petitioners' father Late Munilal Paswan was declared as Bataidar Under Section 48 E of B.T. Act regarding lands consisting the plots in Order dated 4.11.04 holding that he was cultivating the land as Bataidar since 47 years back but on coming to the knowledge about filing of a petition for mutation before Respondent No.3



without impleading the petitioners as parties in said petition, the petitioners filed aforesaid petition dated 16.1.2019 Under Section 48 D of B.T. Act on the ground that the petitioners are occupying the lands for more than several twelve years and they are entitled to be Kaimi raiyats (settled raiyats) which the Respondent No.3 is not disposing the said petition till today.

II. For that although the Respondent No. 3 asked for report from Halka Karmchari to submit before him and the Halka Karamchari reported that the lands are still in cultivating possession and father of petitioners had already been declared as Bataidar U/S 48(E) of B.T. Act by D.C.L.R., Katihar vide Order dated 4.11.04 in Case No.63/99-00/25/03-04, 48 (E) B.T. Act..

III. For that the original raiyat has got no right to execute any sale deed to any person and purchaser has also got no right to evict the petitioners under the provisions of B.T. Act and the petition for mutation being Case No.-1380 of 2021-22 can not be entertained by the Respondent No. 3.



IV. For that the Respondent No. 3 is duty bound to pass Order on petition of petitioners Under Section 48 D of B.T. Act and Mutation Case No. 1380 of 2021-22 filed by purchaser is liable to be dismissed in law.

V. For that the petitioners' right to be declared as Kaimi raiyat (settled raiyat) Under Section 48 D of B.T. Act, has been perfected as required Under Section 48 D, who are still in cultivating possession continuously for more than several twelve years.

VI. For that the petitioners' right as Kaimi raiyat will be infringed due to non-passing of Order and fundamental right Under Article 21 of the Constitution of India will also be violated.”

3. A petition has been preferred before the Circle Officer, Korha, Katihar in the year 2019 and if the contention of the petitioner is correct, it has still not been taken to its logical conclusion after lapse of seven years.

4. Though the memo no. 2697 dated 24.11.2019 shows that Revenue Authorities were asked to submit an enquiry report but the stand of the petitioner is that no further



step has been taken.

5. In that background, instead of keeping the case pending and imposing cost upon the State-respondents, who have failed to file any affidavit, it would be proper that the writ petition is disposed of allowing the petitioner to approach the Circle Officer, Korha, Katihar in next four weeks with the order who shall be duty bound to take the petition filed in the year 2019 to its logical conclusion, if still has not been concluded. The entire exercise is to be completed in next six months.

6. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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