

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.598 of 2024

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Raj Kishor Mahto Son of Late Ram Sunder Mahto Resident of Village-
Jamuaha Tole Tilanghi, PS-Sonbarsa, Dist-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Land Reforms Department,
Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Pramandal, Muzaffarpur.
3. The District Magistrate cum Collector, Sitamarhi.
4. The Deputy Collector, Land Reforms, Sitamarhi.
5. The Circle Officer, Sonbarsa, District-Sitamarhi.
6. Mahavir Mahto son of Late Subansh Mahto, Resident of Village- Tilanghi,
P.S.-Sonbarsa, District- Sitamarhi.
7. Hari Narayan Mahto son of Ram Sundar Mahto, Resident of Mushharniya,
P.S.-Sonbarsa, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Mahendra Prasad Verma, AC to SC-20
For the Resp No. 6	:	Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-07-2026 Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner, the State as also Mr. Deepak Kumar, learned counsel

for the respondent no. 6.

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

*a) For quashing the order dated
06.10.2023 passed by Respondent no.4 in
Land Dispute Resolution Case No.10/2023-24
whereby and whereunder it has been held that
petitioner and Respondent no.7 have*



encroached/constructed concrete path on the land of Respondent no.6 on Plot no.2145 towards north to south measuring 5 feet in north side and 9.75 feet in south side and accordingly Respondents no.4 has directed to Respondent no.5 for re-measurement of the land and removal of encroachment from the said plot whereas land in question is exclusively of petitioner.

(b) To pass any such other order or orders as the Hon'ble Court may deem just and proper.

3. The land details is/are as follows:

“Khesra No. 2145;

Thana No. 41, Sonbarsa (Sitamarhi);

Village- Tilganhi;

District- Sitamarhi.”

4. The claim is that the payment of Rs. 1,09,000/- was made through his brother-in-law to the respondent no. 6 but the land was never provided to him.

5. The matter went up to the Court of learned Deputy Collector Land Reforms, Sitamarhi (respondent no. 4) in Land Dispute Resolution Case No. 10 of 2023-24. It was taken up on



06.10.2023 and after reasoning out the entire facts, the claim of the respondent no. 6 was allowed with a direction to the Circle Officer concerned to look into the matter and ensure that all the parties stay within their own jurisdiction and those who are trying to usurp the land should be taken note of (Annexure-3 to the petition).

6. Aggrieved, the present petition.

7. In this case, notice was issued to the respondent nos. 6 and 7 and though respondent no. 7 has not appeared, respondent no. 6, Mahavir Mahto has presented himself as also filed the counter-affidavit.

8. The sum and substance of the counter-affidavit of the respondent no. 6 is that the petitioner owns plot no. 2148 while the respondent no. 6 is the owner of respondent no. 2145. With the passage of time, the petitioner purchased plot no. 2147 from respondent no. 7 and wanted direct access to the road though he has full connectivity of road with plot no. 2148 and this led to the present case.

9. The further submission is that no money transaction took place at any point of time nor the petitioner has any piece of paper to substantiate the said claim. So far as the payment of Rs. 1,09,000/- by the petitioner's brother-in-law to the respondent no. 6 is concerned, he has taken this Court to the statement of



account of the concerned bank to show that he used to have financial transaction with the brother-in-law of the petitioner and the statement of record would show that it was loan repayment which in no way can be construed to be any deal for the area which the petitioner is demanding. The last submission is that all the parties have now moved to their respective place and peace prevails there.

10. The facts have been recorded, the present development has also been taken note of. In the opinion of the Court, if any issue remains, the proper course of action is to approach the Sub-Divisional Magistrate under Section 163 of the BNSS or knock the doors of the competent Civil Court as the issue the petitioner is raising needs examination of the witnesses which cannot be adjudicated in a writ jurisdiction.

11. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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