

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.699 of 2025

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Raj Kumar Singh, son of Late Sahadeo Singh, Resident of village- Dina Chakala, P.O.- Dina Chakala, P.S.- Pasraha, District- Khagariya, presently residing at Bhuinya Toli, Near Hanuman Mandir, Shanti Nagar, SamlongNamkum, Ranchi (Jharkhand)- 834010.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. The Deputy Collector of Land Reforms, Madhepura.
3. The Circle Officer, Singheshwar, District- Madhepura.
4. Deepak Kumar Singh, son of Late Sahdev Singh, Resident of Bhuinya Toli, Near Hanuman Mandir, Shanti Nagar, Samlong Namkum, Ranchi (Jharkhand)- 834010.
5. Manju Singh, wife of Deepak Kumar Singh, Resident of Bhuinya Toli, Near Hanuman Mandir, Shanti Nagar, Samlong Namkum, Ranchi (Jharkhand)- 834010.
6. Ramesh Kumar Singh, son of Late Sahdev Singh, Resident of Buddha Public School, Laxmi Nagar, ward no. 1, Saharsa- 852201.
7. Aarti Singh @ Arati, wife of Ramesh Kumar Singh, Resident of ward no. 6, Buddha Public School, Laxmi Nagar, ward no. 1, Saharsa-852201.
8. Deep Narayan Prasad, son of Late Subha Lal, Resident of Flat No. Sigma A, 468, Sahara City, P. S. Mango, District- Singhbhum, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kishore Verma, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14
For the Resp. No. 6&7	:	Mr. Chitranjan Sinha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-03-2026 Heard Mr. Jitendra Kishore Verma, learned counsel

for the petitioner and Mr. Chitranjan Sinha, learned Senior

Counsel representing the respondent nos. 6 and 7 beside Mr.

Dhurjati Kumar Prasad, learned GP-14 representing the State.

2. The present petition has been preferred for the



grant of following relief(s):

“(i) for issuance of an appropriate writ/order/direction in the nature of certiorari quashing order dated 22.10.2024 passed by the Deputy Collector Land Reforms, Madhepura in Measurement Appeal Case No. 04/2023-24 whereby and where under two orders each dated 18.05.2023 separately passed by the Circle Officer, Singheshwar in Case no. 21/2023-24 and Case no. 22/2023-24 respectively, refusing the prayer for measurement due to pendency of partition suit between the parties, have been set aside in one appeal being Measurement Appeal Case no.04/2023-24 (which was initially not maintainable for non-impleadment of the Petitioner) allowing the same and directing the Circle Officer to measure and demarcate the land in question which is arbitrary and unsustainable in law in view of pendency of a partition suit between the Petitioner and private Respondents who are members of a joint family and co-sharers of the land in question specially



when the issue of measurement is unnecessary in the facts of the case;

(ii) for issuance of an appropriate writ/order/direction in the nature of mandamus directing the Respondent authorities not to take any executive action or disturb Petitioner's peaceful possession over the land in question during the pendency of Title (Partition) Suit no. 14 of 2023 pending before Learned Civil Judge (Senior Division)-I, Khagaria otherwise than in accordance with law;

(iii) for issuance of any other appropriate writ/order/direction as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. The petitioner and respondent no.6 are own brothers being sons of late Sahdev Singh and have locked horns for the lands, the details of which has been recorded in paragraph no.4 of the petition as under:

Mauza	Thana No.	Khata	Khesra (old)	Khesra (new)	Area
Saropatty	204	7911	1144 1142 1143	1564	1.37 dec.



Saropatty	204	7911	1145	1564	1 acre
Saropatty	204	7911	1147 1148	1576	0.19 dec.
Saropatty	204	7911	1149	1577	0.22 dec.

4. In due course of time, there was dispute between the brothers and this led the respondent no. 6 and 7 moving before the Circle Officer, Singheshar, Madhepura for measurement/demarcation of lands vide **Case No. 21/2023-24 and Case No.22/2023-24.**

5. It was disposed of on 03.05.2023 vide memo no.379-2 dated 17.05.2023/18.05.2023 in case no.21/2022-23 and 22/2022-23 and the Circle Officer, Singheshar, Madhepura came to the conclusion and since a **Partition Suit no.88/2023** is pending, hence this case is being set aside till the disposal of the partition suit.

6. It is to be noted that during the pendency of the petition of the respondent Ramesh Kumar Singh before the Circle Officer, Singheshar, a **Title Suit No. 88/2023** was preferred by the petitioner against Ramesh Kumar Singh and other defendants which is presently pending before a competent Civil Court.

7. Aggrieved, the respondent Ramesh Kumar Singh moved in **Measurement Appeal Case No. 04 of 2023-24**



(Ramesh Kumar Singh vs. Circle Officer, Singheshar and Ors.) was taken up by the Deputy Collector Land Reforms, Madhepura.

8. **The Deputy Collector Land Reforms, Madhepura** vide an order dated **22.10.2024** took note of the facts that the respondent herein, Ramesh Kumar Singh only want the measurement/demarcation of the land and not title interest/possession. Accordingly, it directed the Circle Officer, Singheshar to do the needful in accordance with law. This order was passed on **22.10.2024** communicated **vide memo no.872 dated 28.11.2024** (Annexure-P/5 to the petition.).

9. Aggrieved, the present writ petition.

10. Learned counsel for the petitioner submits that when the **Title Suit No. 88/2023** is pending, there is no point for demarcation/measurement of the land and if the respondent Ramesh Kumar Singh is aggrieved in any manner, he has the remedy before the competent Civil Court in the aforesaid Title Suit.

11. He has further taken this Court to paragraph no.16 to show that school with the name of **Vedanta Public School, Saropatty, Singheshar** is running on the said land having a boundary wall from all the four sides and this fact has not been



denied by the respondent in his counter affidavit.

12. Learned counsel submits that in that background, the order passed by the Deputy Collector Land Reforms, Madhepura has to be interfered with/set aside.

13. Mr. Chitranjan Sinha, learned Senior Counsel is representing the respondent no.6 and 7. His submission is three folds:

(i) the petitioner has preferred Title Suit only after the respondents made an application before Circle Officer, Singheshar for the measurement/demarcation;

(ii) the petitioner has failed to read the reply to the contention/submission put forward in paragraph no.15 inasmuch as in paragraph no.39, it has been recorded that the petitioner only wants to disturb the neighbouring lands belonging to his own brother/sister-in law and as such, the demarcation/measurement is/are necessary;

(iii) in any case, since the Title Suit is pending before a competent Civil Court, he do not want any possession/dispossession by any of



the parties (plaintiffs/defendants) but only want a demarcation /measurement of the land and the report so made will be submitted by the parties before the competent Civil Court where the matter will finally be decided.

14. Learned State counsel has taken this Court to the concluding part of the order passed by the Deputy Collector Land Reforms, Madhepura Sadar, Madhepura wherein it has been recorded that the right, title, interest and possession will not be affected by the measurement/demarcation which is to be ensured by the Circle Officer, Singheshar.

15. Having heard all the parties, this Court can only observe that the petitioner, Raj Kumar Singh and respondent no.6, Ramesh Kumar Singh as also the other respondents are brothers/relatives belonging to the same tree of late Sahdev Singh. Both are successfully carrying out their respective business and to keep themselves positive and to ensure that they further scale heights, it would be appropriate that they put their heads together and decide all their family matters with the help of those who are close to them by sitting across the table instead of fighting it out for decades before a competent Civil Court making their blood relationship sour.



16. So far as the order passed by the Deputy Collector Land Reforms, Madhepura Sadar, Madhepura is concerned, as rightly pointed out by the learned State counsel, the Deputy Collector, Land Reforms, Madhepura Sadar, Madhepura and also acknowledged by the learned Senior Counsel representing the respondent no. 6 and 7 that what they only want measurement/demarcation of land and in no way wants to dispossess/do anything which will affect the case of the respective parties before the competent Civil Court.

17. In the opinion of the Court, without affecting the right, title, possession of any of the parties, if all the plots are properly measured and the report is presented, this will be beneficial for all the stakeholders and the report can very well be presented before the competent Civil Court adjudicating the Title Suit.

18. In that background, this Court do not deem it fit and proper to interfere with the order passed by the Deputy Collector Land Reforms, Madhepura Sadar, Madhepura. However, since a school is functioning on the plots, this Court can only observe that any measurement/demarcation shall be taking place only on a holiday/Sunday so that the school functioning is not disturbed in any matter. This will be done



after proper issuance of notices upon all the stakeholders including those who are fighting it out before the competent Civil Court in **Title Suit No. 88/2023.**

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

20. Any pending Interlocutory Application also stands disposed of.

(Rajiv Roy, J)

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