

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.656 of 2026

Sanjeev Kumar Son of Late Krishnachand Sharma @ Krishna Chandra Sharma, Resident of Village- Parsawan, P.S.- N.T.P.C., Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, State of Bihar, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Additional Collector, Patna.
5. The Sub Divisional Officer, Barh, Patna.
6. The Circle Officer, Barh, Patna.
7. The S.H.O., Barh Police Station, Barh, Patna.
8. Sri Ashok Kumar Jaiswal, Son of Late Sushil Kumar Jaiswal, Resident of Village- Salempur, Barh Nagar Parishad, Barh, P.O. and P.S.- Barh, District- Patna.
9. Ramsagar Prasad, Son of Late Jagdish Mahto, Resident of Village- Fatehchand, P.S.- Barh, District - Patna.
10. Kamta Prasad, Son of Late Jagdish Mahto Resident of Village- Fatehchand, P.S.- Barh, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arbind Kumar Singh, Advocate Mr. Ram Shankar Kumar, Advocate
For the Respondent/state :		Mr.Standing Counsel (26) Mr. Divit Vinod, Advocate, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-01-2026 1. Heard the parties.

2. The petitioner has filed the present writ application for a direction to the respondent authorities to restrain the private respondent no. 8 to 10 from disturbing the possession of the petitioner and making any construction over the land belonging to the petitioner situated at Survey Plot No. 667 appertaining to



Khata No. 338 and Survey Plot No. 668, Khata No. 339 having a total area of 04 Katha at Mouza -Akbarpur Chondi in the district of Patna.

3. Learned counsel for the petitioner submits that as per cadastral survey khatian the land in question was settled by the ex-landlord on 20.04.1928 by executing Kabuliyat deed in the name of one Parmeshwar Mahto @ Parmeshwar Yadav and subsequently the said Parmeshwar Mahto executed registered deed of sale on 06.10.1978 in favour of the mother of the petitioner. After purchase of the land, the petitioner through his mother came in possession over the land in question and mutation was done in favour of petitioner's mother vide Mutation Case No. 92 of 1993. The respondent no. 8 claiming himself to be the heir of ex-landlord and respondent no. 9 & 10 to be purchaser from the heirs of ex-landlord tried to disturb the possession of the petitioner over the land in question for which a Title Suit bearing T.S. No. 117 of 1986 was filed by the mother of the petitioner against the aforesaid respondents. At the time of filing of Title Suit the petitioner was minor and during course of time the parents of the petitioner died and nobody was there to look after the case which resulted in dismissal of the said suit in default. After coming to know about the Title Suit the



petitioner has filed a Miscellaneous Case for restoration of Title Suit No. 117 of 1986 and the proceeding therein is going on. Taking advantage of the absence of the petitioner from the village, the mutation of the subject land has been done in favour of respondent no. 9 & 10 whereas the jamabandi is still continuing in the name of petitioner's mother. The petitioner has filed Jamabandi Cancellation Case No. 183 of 2022-23 which is pending before Additional Collector, Patna.

4. Learned A.C. to S.C. No.- 26 submits that insofar as cancellation of jamabandi / mutation standing in the name of petitioner's mother is concerned, the petitioner has already taken steps and has filed Jamabandi Cancellation Case No. 183 / 2022-23 before the learned Additional Collector, Patna which is still pending. Pertaining to the grievance of the petitioner of threatened dispossession and proposed construction of boundary wall upon the subject land, learned counsel submits that petitioner has remedy before the competent authority / DCLR under the Bihar Land Disputes Resolution Act, 2009 and the petitioner may avail statutory remedy before the competent authority.

5. Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has already filed



Jamabandi Cancellation Case No. 183 of 2022-23 and has also taken steps for restoration of Title Suit No. 117 of 1986, this writ application is disposed with liberty to the petitioner to pursue remedy before the Civil Court, Patna as well as before the Additional Collector, Patna before whom the petitioner has already filed jamabandi cancellation case against the respondent no. 8, 9 & 10.

6. Insofar as the grievance of the petitioner with regard to threatened dispossession and construction of boundary wall upon his land is concerned, the petitioner shall be at liberty to take recourse to remedy provided under Section 4 of the Bihar Land Disputes Resolution Act, 2009. If the petitioner files a petition before the competent authority in accordance with law, the same shall be considered by the competent authority and after hearing all the parties the petition filed by the petitioner shall be disposed by a reasoned and speaking order within a reasonable time frame.

7. With the aforesaid observation and direction, this application is disposed of.

(Anil Kumar Sinha, J)

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