IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3110 of 2017

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Tarni Sah Son of Late Rameshwar Sah Resident of Village - Naya Tola Birgaon, P.S. Mahishi, District Saharsa.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Sub-Divisional Officer, Saharsa.
6. The Sub-Divisional Shikayat Niwaran Padadhikari, Saharsa.
7. The Circle Officer, Mahishi, District - Saharsa.
8. Bishwanath Kumar Sah son of Ashok Sah Resident of Village - Naya Tola, Bir Gaon, P.S. Mahishi, District - Saharsa.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Amarnath Jha, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha- SC-19
For State : Mr. Manoj Kumar Sinha, A.C. to SC-19
For Private Respondent : Mr. Madhav Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

8 21-08-2026 Heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State.

2. By way of the present writ application, the petitioner has filed this application seeking directions upon the respondents restraining them from taking any steps for getting the private land of the petitioner vacated.

3. Learned counsel for the petitioner submits that a title suit bearing Title Suit No. 534/16 has been filed before the

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learned Civil Judge, Senior Division-I, Saharsa, Seeking declaration of title against the incorrect revisional survey along with other reliefs over the land in which the petitioner is in possession. Learned counsel for the petitioner submitted that, on an application made by Respondent No. 8, the authorities are initiating action against the petitioner.

4. Learned counsel for the State submits that the title of the petitioner is disputed and that the land in question has been mentioned as Anabad Bihar Sarkar. This Court is of the view that the issues relating to title cannot be adjudicated upon by the writ Court. Accordingly, it would be appropriate to remit the matter back to the Circle Officer, Mahishi, Saharsa (Respondent No. 7), for consideration and decision regarding the grievance raised by the petitioner.

5. Liberty is granted to the learned counsel for the petitioner to file a detailed application before the Circle Officer, Mahishi, Saharsa (Respondent No. 7) as well as before the District Magistrate, Saharsa (Respondent No. 4), along with all relevant facts and documents in support of the petitioner's claim.

6. Taking into consideration the order passed by this Court in CWJC No. 526/2015, particularly, paragraphs 28 to 30

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thereof, the same shall be taken into consideration by the concerned authorities while deciding the representation-cum-grievance of the petitioner.

7. The entire exercise shall be completed within a period of three months from the date of filing of the the application/representation by the petitioner.

8. It is made clear that if the land in question is found to be Rayati Land, consequently, it could lead to the exclusion of the Bihar Public Land Encroachment proccedings which could not be initiated against the petitioner. However, if the authorities arrives at a definite conclusion that the land in question is a 'public' land, the authorities shall be at liberty to proceed in accordance with law against the petitioner.

9. The status quo shall continue till final adjudication by the concerned authorities.

10. The present writ application stands disposed of with the aforesaid liberty and directions.

(Raj Kumar, J)

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