

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11105 of 2017**

Shambhu Sharan Singh Son of Late Mahima Sharan Singh, Resident of 9/5,  
Kasturbapath, North S.K. Puri, Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department,  
Government of Bihar, Patna.
3. The Principal Secretary, Registration and Excise Department, Government  
of Bihar, Patna.
4. The Director, Directorate of (Bhu Abhilekh Ewam Parimap) Revenue and  
Land Reforms Department, Government of Bihar, Patna.

... .. Respondents

**Appearance :**

For the Petitioner : Mr. Shambhu Sharan Singh (In Person)  
For the Respondent-State : Mr. Vishwa Bibhuti Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)**

**Date : 11-07-2022**

Heard Mr. Shambhu Sharan Singh in person and Mr.  
Vishwa Bibhuti Kumar Singh, learned counsel for the State.

2. The petitioner has filed the instant application for  
issuance of a direction upon the respondents to initiate and carry  
out the process of modernization/revision of the Record of  
Right/Khatiyani as well as land revenue record in all the districts  
of Bihar for updating the records of rights.

3. The contention of the petitioner is that the Khatiyani



in the State was prepared under the Bengal Tenancy Act, 1885 known as cadastral survey, Khatiyani. After 50 years of preparation of cadastral survey Khatiyani, once again survey was held, which is commonly known as the 'revisional survey'. The purpose of revisional survey was to update the entries of cadastral survey. The revisional survey was undertaken in the year 1935. Thereafter, till date no survey has been undertaken by the State.

4. The further contention of the petitioner is that the State has not modernized its record of rights which is causing immense rise in litigation before different forums and courts. The bona fide purchasers are being confronted with time consuming and expensive litigation for declaration of title, as the systematic maintenance of the record of right is not being done in the State of Bihar.

5. Based on such submissions, the writ petition has been filed for issuance of a direction upon the respondents for modernization of land records.

6. The respondent no.4 has filed a counter affidavit in the present matter wherein it has been stated that the Government has already taken steps for modernization of land records and, at present, the work of re-survey is going on. The



State Government has repealed the old survey. It has enacted “Bihar Special Survey and Settlement Act 2011” and on the basis of the new Act, survey is being conducted. It is further contended that aerial photography has been completed in all the districts of the State except Madhubani District wherein only part photography has been completed. Further, on priority basis 9 Districts have been selected for completing the survey work where survey is going on. In 781 revenue villages, Khanapuri of Survey records has been completed and in 247 revenue villages a draft publication of survey record has been made and in 2 revenue villages final publication of survey records has been made.

7. In supplementary counter affidavit filed on behalf of the respondent no.4, the following averments have been made in paragraph nos.7 to 13:

*“7. That the following is an outline of the components and activities to be taken up under the DILRMP.*

*I. Computerization of land Records.*

*a. Data entry/re-entry/data conversion of all textual records including mutation records and other land attributes date.*

*b. Digitization of cadastral maps.*

*c. Integration of textual and spatial data.*

*d. Tehsil, sub-division/district Computer*



*Centers.*

*e. State-level data center.*

*f. Inter-connectivity among revenue Offices.*

*II. Survey/Resurvey and updating of the Survey & Settlement Records, (including ground control network and ground truthing) using the following modern technology option:*

*a. Pure ground method using electronic total station (ETS) and global positioning system(GPS).*

*b. Hybrid methodology using aerial photography and ground truthing by ETS and GPS.*

*c. High resolution Satellite Imagery (HRS) and ground truthing by ETS and GPS.*

*8. That the Department of Revenue and Land Reforms has introduced the project of computerization of all revenue records under which computerization work of Tenants Ledger and other records of all 534 circles is being done and a total of 45354 villages were taken up for computerization work from all 38 district of which total of 33981918 Jamabandis in circle were to be digitalization. Out of the said, 28178967 entries of Jamabandis have been completed. On the basis of this computerization online mutation process phase wise has been launched. The first phase of the project*



*witnessed computerization of records of 45 Sadar anchal and different district and since 01.12.2017 online mutation process is going on in the said Anchal. In connection with first phase and the later phases of the project, the Government of Bihar has issued appropriate notification.*

*The second phase of the project witnessed computerization of six different circles of Kishanganj districts where in online mutation process is going on since 2.4.2018. Furthermore, the later phase witnessed computerization of records of 4 circles of Arwal district and 27 circles of Madhubani, Nawada, Sheohar, Nalanda combined wherein online mutation process is going on 02.04.2018. Also in 21 districts comprising 104 Circles, the Online mutation process is going on since 16.04.2018. Out of 534 Circles online mutation has begun for 186 circles.*

*In compliance of the said notification, 90% of data entry work has been concluded.*

*9. That it is stated that the Digitization of Cadastral Maps are complete in all 38 districts, Digitization of Revisional Map are completed in 28 districts and digitization of consolidation maps are completed in 25 districts of Bihar. Digitized copy of maps of all districts are being provided at Survey Office Guljarbag, Patna and for citizen convenience in 34 districts of Bihar*



*Maps are also available.*

*In the rest 4 districts, services are unavailable due to technical difficulty.*

*10. That under the process of aerial photography and up-gradation of land records being conducted by Department of Revenue and Land Reforms and under the provisions of Bihar Special Survey and Settlement Act, 2011 & Rule 2012, the Government of Bihar issued different notifications for special survey work to be done in all 38 districts. The notifications are as follows:*

| <i>Sl. No.</i> | <i>Notification No.</i> | <i>Date</i>       | <i>No. of concerned districts</i> |
|----------------|-------------------------|-------------------|-----------------------------------|
| <i>1.</i>      | <i>1574</i>             | <i>01.10.2012</i> | <i>13</i>                         |
| <i>2.</i>      | <i>188</i>              | <i>03.02.2015</i> | <i>5</i>                          |
| <i>3.</i>      | <i>973</i>              | <i>03.11.2016</i> | <i>20</i>                         |

*11. That it is stated that the Special Survey and settlement work is going on in all 38 districts of Bihar. In this process, the aerial Photography work has been completed by three agency namely IL & FS, New Delhi, IIC Technology, Heydrabad and GIS Consortium, New Delhi in all 38 districts except a few areas of Madhubani District and few areas restricted by the ministry of Defence are involve in Aerial Photography. 38 districts are allotted among the three agencies for aerial photography operation are as follows:*

*1. IL & FS, New Delhi- Nalanda, Saran,*



*Bhagalpur. Munger, Sheikhpura, Patna, Bhojpur. Buxar Rohtas. Kaimur Darbhanga, Madhubani, Samastipur. Siwan and Gopalganj (16 Districts).*

2. *IIC Technology, Heydrabad-Begusarai, Lakhisarai, Khagaria, purnea, Araria, Kishanganj, Katihar, Motihari, Muzaffarpur, Vaishali, Sitamadhi, Sheohar, Gaya, Aurangabad, Arwal and Jehanabad. (16 Districts).*

3. *GIS Consortium, New Delhi-Saharsa, Madhepura, Supaul, Bettiah, Jamui, Nawada and Banka. (07 Districts).*

*Out of 38 districts the aerial photography maps of 9277 villages in 22 districts are provided to concerned settlement Offices by the Aerial Photography agency for the survey process.*

*12. That presently as a matter of priority and with the help of available manpower and resources the first phase of work notified on 01.10.2012 concerning 13 districts of states has been initiated. The legal formalities concerning the maps provided by aerial survey of Photography agency and the safety no objection certificate related with the said map has to be obtained from the Govt. of India, as a matter of protocol the same has to be complied with during the process.*

*The updated progress report has been prepared on the following parameters:*

*(i) Total no. of Revenue villages in 13*



*districts-10183.*

*(ii) Total no. of maps provided by the agency in 13 districts concerned 9012.*

*(iii) Total no. of revenue villages post monumentation-248.*

*(iv) Total no. of revenue villages post boundary verification-908.*

*(v) Total no. of revenue villages post data entry of Prapatra-6 (Khesra Panji)-698.*

*(vi) Prapatra-7 (Khanapuri Parcha) revenue villages post distribution-569.*

*(vii) Total no. of revenue villages post Khanapuri formalities-946.*

*(viii) Revenue villages post draft publication-262.*

*(ix) Total no. of revenue villages post final publication-02.*

*The exhaustive chart of updated report has been prepared on the basis of the above mention parameters.*

*13. That it is stated that the task of special survey is being conducted in districts by the help of settlement officer, in charge officer settlement, assistance settlement officer (ASO), Kanoongo, amen, clerks and other staffs. Due to shortage of manpower in the concerned districts the progress of the survey work is considerably slow. Recommendation has been made before the department for providing appropriate manpower.”*



8. Learned counsel appearing for the respondent-State submitted that the issue raised by the petitioner in respect of modernization of record of rights has already been taken by the State Government and the work is going on expeditiously.

9. In view of the stand of the State, as would appear from the averments made in the counter affidavit and the supplementary counter affidavit filed on behalf of the respondent no.4, we are of the opinion that since the issue raised by the petitioner has already been taken up by the State Government and substantial progress in modernization/revision of records of rights has already taken place, no direction is required to be issued by this Court for the present.

10. Accordingly, the writ petition is disposed of.

**(Ashwani Kumar Singh, J.)**

**( Dr. Anshuman, J.)**

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