

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8184 of 2025

Akhil Bhartiya Kisan Majdoor Sabha through its Secretary namely Ayodhya Ram, male, aged about 67 yrs, son of Late Ghurbigan Ram, resident of Pipra Mardan Raj Ke, Pipra, P.S. - Sasaram, Distt. Rohtas, the district Secretary of Rohtas District Committee Nayka Gaon, G.T. Road, Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Rohtas at Sasaram.
4. The Superintendent of Police Rohtas at Sasaram.
5. Bihar Bhoodan Yagna Committee through its Chairman New Punaichak Patna 23.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Chaudhary, Sr. Advocate Mr. Arvind Kumar, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
For the R. No. 5	:	Mr. Rajni Kant Singh, Advocate Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-04-2026

The writ petition has been filed by the petitioner-Akhil Bhartiya Kisan Majdoor Sabha through its Secretary seeking *inter alia* for a direction to the respondents to take immediate steps to remove encroachment from the land belonging to



Bhoodan Yagna Committee and further to prevent illegal encroachment and also issue direction to the respondents to conduct comprehensive survey and demarcate all lands under Bhoodan Yagna Committee in the State of Bihar and take necessary legal steps against the encroachers and further to frame and implement a time bound action plan for redistribution of Bhoodan Land to eligible beneficiaries in accordance with the original purpose of Bhoodan Yagna Movement.

2. Mr. Basant Kumar Chaudhary, learned Senior Counsel for the petitioner has placed reliance on different provisions of Bihar Bhoodan Yagna Act, 1954 (hereafter referred to as the '1954 Act').

3. Section 2 (b) of the 1954 Act defines "Committee" means a Committee established under Section 3 of 1954 Act. Section 2(f) of the Act defines "Revenue Officer" and it states that Collector, Additional Collector, Sub-divisional Officer, Additional Sub-divisional Officer or any officer not below the rank of Sub-Deputy Collector appointed by the State Government to discharge all or any of the function of the Revenue Officer under the Act. Section 13 of the 1954 Act states about vesting of lands in the Bhoodan Yagna Committee, wherein, it is stated that the right, title and interest of the donor



in any land donated to Shri Acharya Vinoba Bhave or to the Bhoodan Yagna Committee shall, on confirmation of the Bhoodan Yagna Danpatra in respect of that land, would stand transferred to, and vest in, the Committee for the purpose of the Bhoodan Yagna with effect from the date of the donation and the land vested in the Committee shall not be liable to attachment or sale in execution of any decree or order passed by the Civil Court against the Bhoodan Yagna Committee. Section 14 of the 1954 Act deals with 'grant of land to the landless persons', wherein, it is stated *inter alia* that the Committee or such other authority or person, as the Committee may specify, either generally or in respect of any local area; in the prescribed manner may grant lands which have vested in the Committee to landless persons or to a village Community, Gram Panchayat, or a Co-operative Society organized by the Committee and the grantee of the land shall acquire the same right, title and interest as the donor had in such land. Section 14A deals with 'protection to the grantee of Bhoodan Land from ejectment'. Section 16 deals with 'settlement of donated land prior to distribution. Section 21 states about 'determination of grant and ejectment of grantee from the land'.

4. The most important section according to the learned



Senior Counsel appearing for the petitioner is, Section 22 of the 1954 Act, which deals with 'ejectment of persons in unlawful possession of lands' which states that if any person who takes possession, otherwise than in accordance with law, of any land in respect of which Bhoodan Yagna Danpatra has been previously confirmed under Section 11, may be ejected from such land by the Revenue Officer, *suo moto* on his own information or an application by the Committee and the proviso to Section 22 states that nothing in this section shall apply to a person who has instituted a civil suit to set aside the order of the Revenue Officer under Section 11 or Section 15 and has secured orders in the suit staying the ejectment.

5. The learned Senior Counsel has placed reliance on the supplementary counter affidavit filed on behalf of respondent no. 5 (Bihar Bhoodan Yagna Committee), wherein, in paragraph no. 5, it is stated as follows:-

“5. That it is stated that from perusal of the record made available by the District Bhoodan Office, Rohtas, vide letter no. 17, dated 29.05.2025, it appears that the land in question pertaining to Thana no. 275, C.S. Khata no. 73, C.S. khesra no. 1199, area 62 acres and 50 decimals situated in mauja Tilauthu of Rohtas District was donated by one Sri Radha Prasad Singh, son of Late Devnarayan Singh to Bhoodan Committee on 07.05.1954 and the said donation was confirmed vide Confirmation case no. 695, dated 06.11.1957. It is further stated that out of the said 62 acres and 50 decimals of donated land, 18 acres 25 decimals of land pertaining to khata no. 73(old)/498(new), khesra no.



1199(old)/3258(new) was settled to one Baba Hanuman Das, Chela of Sri Sri 108 Banwari Dev Swami vide certificate no. 62518 dated 23.10.1969.”

6. The learned Senior Counsel has further placed reliance on the counter affidavit dated 02.12.2025 filed on behalf of respondent no. 5, wherein it is indicated that vide memo no. 626 dated 20.07.2018 issued by the Revenue and Land Reforms Department, Bihar, under the signature of Special Secretary to the Government, a notification came out holding that vide resolution no. 911(7) dated 02.11.2017 of Revenue and Land Reforms, a Bhoodan Land Distribution Enquiry Commission was constituted and vide notification no. 473 (7) RA dated 05.06.2018, it has been notified in the Bhoodan Land Distribution Enquiry Commission, Bihar Constitution/Management and Service Commission Act, 2018. It is further stated that in exercise of the power vested under 1954 Act by virtue of Section 9, the Bhoodan Yagna Committee stood resolved, till receipt of the recommendation of the Inquiry Commission and the duty, power and work of the Committee stood vested with the Board of Revenue, Bihar, Patna.

It is the contention of the learned Senior Counsel that in view of the counter affidavit dated 11.02.2026 filed on behalf of the respondent no. 5, the donation in respect of land in question has been confirmed in the Confirmation Case. Since there has



been unlawful possession over such land, it is the duty of the Collector who is the Revenue Officer under 1954 Act to take steps for ejection of such persons who are in unlawful possession of the land but the Collector has not taken any steps in the matter despite the representation being filed by the petitioner.

Counter affidavit has been filed on behalf of respondent no. 3, District Magistrate-cum-Collector, Rohtas at Sasaram by the Circle Officer, Tilouthu, wherein, it is stated as follows:-

“5. That with regard to averments contained in Para-1 of the writ petition, it is humbly submitted that the petitioner is not entitled for the reliefs claimed for because as per Revisional Survey the Khatiyani of disputed land is recorded in the name of various Raiyats and has not been recorded in Khata No 952, Raiyat Name Bihar Bhoodan Yagna Committee.

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8. That the averments contained in para-5 and 6 of the writ petition it is humbly submitted that on 30.06.2024 dispute regarding the said land raised when some people tried to take possession of the land and later tried to block the road NH-2C. Hence a case was also registered in Tilouthu P.S case no. 181/2024, dated 30.06.2024.

9. That it is further submitted that later the opposite parties (current possessor of land) were asked to produce documents regarding the said land. They submitted letter no 13 dated 11.03.2015 given by District Bhoodan Yagna Office, Rohtas in which detailed copy of lands donated by late Radha Prasad Sinha and their family



is attached. This Daanpatra is not approved and the details of the Mauja are not mentioned and the details will be sent later. After searching the file-mentioned on the above Daanpatra details related to the land have been given by Bipin Bihari Sinha son of Late Radha Babu in the year 1994, in which donation of area 62 acre 50 decimal in Mouza Tilouthu Arazi, Thana No.-275 is mentioned.

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11. That further it is humbly submitted that the letters from District Bhodaan Yagna office Rohtas dated 11.03.2015 and 16.11.2024 were found conflicting, hence Letter no. 13 dated 11.03.2015 was verified from District Bhodaan Yagna office Rohtas. In letter no 13 dated 11.03.2015 by District Bhudan Yagna Office, Rohtas the detailed copy of lands donated by late Radha Prasad Sinha and their family is attached. In Maujavar Daanpatra Suchi it is written that *"This Daanpatra is not approved and the details of the Mauja are not mentioned and the details will be sent later. After searching the file-mentioned on the above Daanpatra details related to the land have been given by Bipin Bihari Sinha son of Late Radha Babu in the year 1994, in which donation of area 62 acre 50 dismil in mouza Tilouthu Arazi, Thana No.-275 is mentioned."* The verification was given by the District Bhodaan Yagna office Rohtas vide Letter no. 65 dated 03.01.2026.

12. That further it is humbly submitted that Shri Shailendra Kumar, Karyalay Mantri, District Bhoodan Yagna Office, Rohtas filed Bhoodan Bhoomi Sampushti Case No. 01 of 2015-16 in Court of Deputy Collector of Land Reforms Dehri under Section 11(4) of Bihar Bhoodan Yagna Act which was dismissed after proper hearing on 24.08.2017."

7. After hearing the submission made by learned Sr.



Counsel for the petitioner, learned counsel for the State and going through the averments made in the writ petition, counter affidavits filed by the parties and also different provisions of 1954 Act, we are of the humble view that the respondent no. 3 as the Revenue Officer under 1954 Act, is required to look into the matter as to whether there has been Bhoodan Yagna Danpatra in respect of land in question, which has been confirmed under Section 11 of the said Act and whether there is any unlawful possession over the land as stated in the writ petition and then to take steps under section 22 of the 1954 Act, in accordance with law.

8. We dispose of the petition giving liberty to the petitioner to produce the certified copies of writ petition along with the counter affidavits filed before this Court by respondent no. 5, dated 04.12.2025; counter affidavit filed on behalf of respondent no. 4, dated 19.12.2025; counter affidavit filed on behalf of respondent no 3 dated 12.01.2026; supplementary counter affidavit filed on behalf of respondent no. 5, dated 12.02.2026; rejoinder to the counter affidavit filed on behalf of respondent no. 3, dated 19.03.2026 along with a copy of the order passed today before the respondent no. 3, within a period of four weeks from today and the respondent no. 3 on the



receipt of the same, shall do the needful, hearing the parties concerned after issuing notices to them, and to pass final order in accordance with law preferably within a period of six months from the date of appearance of all the parties. It is made clear that this Court has not expressed any opinion on the merits of the case.

9. An interlocutory application has been filed by one Madhukar Sinha for intervention in this case. If any such application is presented before the respondent no. 3, appropriate order regarding his intervention will be passed by the respondent no. 3 in accordance with law.

10. With the aforesaid observation and direction, the writ petition stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2026
Transmission Date	NA

