

CRIMINAL REVISION

**In the Court of District and Additional Sessions Judge-III, Jhanjharpur
District: Madhubani**

**Present : ANIL KUMAR RAM
DASJ-III, Jhanjharpur**

Dated, Jhanjharpur, the 11th August, 2026

**[Cri. Revision No. - 149/2022]
arising out of MR Case No. 463/2019**

1. Chhedi Mandal, aged about 65 years S/o Laxman Mandal
R/o Vill- Laxmipur, PS- Laukaha, Distt.-Madhubani

-----**Petitioner/ Revisionist**

Vs.

1. State of Bihar.....**O.P. 1st Party**
2. RajLal Mandal, aged about 35 years S/o- Panchlal Mandal
R/o Vill- Laxmipur, PS- Laukaha, Distt.-Madhubani
.....**O.P 2nd Party**

Ld. Lawyer for State : Sri. Deo Shankar Jha, Ld. A.P.P.

Ld. Lawyer for Revisionists/petitioners : Sri. Sharat Chandra Yadav, Ld.
Advocate.

Ld. Lawyer for O.P. 2nd Party :Sri. Dharendra Mishra , Ld. Advocate.

ORDER

1. The learned counsel for both parties are present.
2. Being aggrieved and dissatisfied with the impugned order dated 20.07.2022 passed in MR No. 463/2019 passed by the S.D.M. Phulparas ,District-

Madhubani who ordered to drop the proceeding, without considering and appreciating the fact and has prayed to set aside the above said order.

3. From the order sheet, it appears that this revision has been admitted on 25.08.2022 and LCR has been received on 17.02.2023.
4. Heard, Ld. Counsel for the Petitioner/Revisionist and Ld. Addl.P.P for the State and Ld. Counsel for OP.
5. The learned counsel for the revisionist has preferred revision on the following grounds:-
 - (i) For that the order passed by the lower court dated 20.07.2022 is completely wrong, illegal, baseless, and unlawful, and is liable to be set aside.
 - (ii) For that the lower court has no authority/jurisdiction to pass an order of such nature because there is a house situated on the disputed Khesra (plot of land). Therefore, the order of the lower court deserves to be completely quashed/annulled.
 - (iii) For that the disputed land is located in Khata No. 223, Khesra No. 749, Area: 7 Decimals, Khata No. 224, Khesra No. 742/2556, Area: 7 Decimals Whereas the order has been passed for Khata No. 44, Old Khesra No. 213 and Khata No. 13 & 44, Old Khesra No. 212, 213, Area: 4 Decimals. Therefore, the order is illegal.
 - (v) For that the Basgit Parcha (Homestead Land Settlement Order) Case No. 795/1977-78 and Basgit Parcha Case No. 402/1977-78 are completely forged/fake, which have not been exhibited and it is ancestral/Khatiyani land and the land of the shareholder and issuing a Basgit Parcha (homestead land allotment document) in the name of another co-sharer without serving notice to the landowner is completely illegal.
 - (vi) For that Witness No. 4 from the second party himself testified that "My grandfather has 52 Bighas of land and recently I purchased 1.5 Bighas of land." Both grandfathers belonged to the same lineage. It is clear that the applicant is a co-sharer of the opposite party and therefore, the question of issuing a Basgit Parcha does not arise at all. Hence, the lower court's order is improper and illegal.
 - (vii) For that the opposite party (second party) failed to present any documentary proof in the lower court regarding the disputed Khata and Khesra (plot details) belonging to landowners Jagdev Mandal and Sant Mahto, nor did they get any

exhibit marked as evidence. Therefore, the Parcha is forged/fake, and the order of the lower court is illegal.

- (viii) For that the applicant's residence/homestead is located on the disputed land, which has been in their continuous possession and occupancy from earlier.
- (ix) For that looking into the recent survey Khatian, Khata No. 224, Khesra No. 749/2584, Khata No. 223, Khesra No. 749 should be inspected, which clearly shows that the applicant's homestead/residence is on the disputed land. Additionally, in Khata No. 223, Panchlal Mandal, father Nand Lal Mandal, is recorded as having a share. Under such circumstances, the issuance of the Basgit Parcha comes under suspicion, and the Basgit Parcha is forged/fake. Since it has been stated that the Basgit Parcha was created in 1978, but the recent survey Parcha was issued in 1971-72 AD, under such circumstances, how could Jagdev and Sant Mahto be the landowners of the disputed land?
- (x) For that apart from this revision application, the applicant has not filed any other Criminal Revision in this court or in the Hon'ble Patna High Court against the order passed by the lower court on 20-07-2022.
- (xi) For that a certified copy of the order passed by the lower court on 20-07-2022 has been attached with this Criminal Revision application for Your Honor's kind perusal.

6. The learned counsel for the O.P. 2nd Party has filed rejoinder to above petition:-

- (i) For that as the criminal revision filed and framed is not maintainable either in law or on facts.
- (ii) For that the criminal revision filed is time barred also.
- (iii) For that the order dated 20.07.2022 passed by the learned S.D.M. Phulparas is proper and correct.
- (iv) For that the ground taken by the petitioner is false and baseless.
- (v) For that after perusal order dated 20.07.2022 your honour will find learned S.D.M. Phulparas given a proper time for adjudicated properly the case of 1st party.
- (vi) For that all the process has been duly exhausted by the court and after discussion of all facts, he has passed the order on 20.07.2022.
- (vii) For that the learned S.D.M. Phulparas found Basgit Parcha 1977-1978 in the name of mother of 2nd party and 2nd party also.
- (viii) For that it is quite evident from that Parcha only issued to landless person/ women.

“Therefor the parcha has been issue by the CO of Khutauna.”

- (ix) For that Basgit parcha and rent receipt also has been proved in the proceeding.
- (x) For that witness of the O.P. 2nd party also proved the possession of 2nd party.
- (xi) For that the documents and independent witness also proved the possession of 2nd party.
- (xii) For that the entire grounds of criminal revision petition beyond facts mentioned in this petition.
- (xiii) For that criminal revision petition is fit to be dismissed.

7. **Perused** the case record, including the impugned order dated 20.07.2022 passed in MR No. 463/2019 passed by the S.D.M. Phulparas (Madhubani). On perusal of LCR, I find that S.D.M, Phulparas has mentioned in his order that “ From the review of arguments presented by the learned advocates of both parties, as well as the examination and cross-examination of the witnesses presented by both sides, it is clear that Khata No. 44, Khesra No. 213 (Area: 5 Decimals) homestead land (Basgit Parcha) was issued by Khutauna Circle in 1977–78 in the name of Defendant Raj Lal Mandal, S/o Panch Lal Mandal. Khata Nos. 93 & 44, Khesra Nos. 212 & 213 (Area: 4 Decimals) homestead land (Basgit Parcha) was issued by Khutauna Circle in 1977–78 in the name of Defendant's mother, Kalari Devi, W/o Panch Lal Mandal. Jamabandi No. 1040 for the disputed land is established in the name of Defendant member Raj Lal Mandal, S/o Panch Lal Mandal, and land revenue receipts have been obtained for the year 2019–2020. Since the Basgit Parcha is very old, it was referred to the Circle Office, Khutauna for verification. Based on Khutauna Circle Office Letter No. 1183 dated 28/12/2019, according to the Basgit Parcha Register maintained in the Circle Office (Basgit Case No. 795/1977-78), Serial No. 43 is recorded under the name of Raj Lal Mandal, S/o Panch Lal Mandal (Khata No. 44, Khesra No. 213, Area: 5 Decimals). Serial No. 48 is recorded under the name of Kalari Devi, W/o Panch Lal Mandal (Mother of Defendant), Resident of Laxmipur (Khata Nos. 93 & 44, Khesra Nos. 212 & 213, Area: 4 Decimals), with Jagdev, Santo, and others listed as the landlords/landowners under the approved Basgit record case number 402/1977-78 is approved and recorded, meaning the basis of the second party's (O.P.) claim is true and the second party's (O.P.) residential home is located there.

It was stated by the first party that the under-process land is ancestral land. The total area of the land in question is 2 Bighas, out of which the portion sold by ancestors is claimed by the first party to be their part. In the current survey Khata (khatian) Mouza-Laxmipur, Khata No. 224, Ryot- Bhagwat Mandal, whose Khata No. is 223, Ryot- Bhagwat Mandal, his small son is Panch Lal Mandal.

On the scheduled date, a site inspection of the disputed land was conducted by the undersigned. During the site inspection, present villagers stated

that the second party (O.P.) has been in continuous physical possession of the disputed land for years.

From the statements of witnesses presented by both parties and the examination/cross-examination by the learned advocates of both parties, it becomes clear that on the disputed land, the second party (O.P.) has received a total of 9 Decimils of land through Basgit Parcha (homestead land allotment slip), which has remained in continuous physical possession of the second party (O.P.). Based on the above facts, in Mouza Laxmipur, Khata No. 44 Old, Khesra No. 213 Old, Area 5 Decimil, Vasgit Parcha is issued in the name of Raj Lal Mandal, father- Panch Lal Mandal; and Khata No. 93 and 44 Old, Khesra No. 212 Old and 213 Old, Area 4 Decimil land is issued in the name of Kalari Devi, mother of the second party (O.P.). The first party concealed the old Khata Khesra and filed a case on the new Khesra. Therefore, I declare the second party's (O.P.) possession valid, and restrain the first party from entering the land of the described Khesra until they obtain an order against this order from a competent court. “ From perusal of abovesaid order this court is of the view that impugned order has been passed rightly by the S.D.M. Phulparas and there is no need of interference by this court.

ORDER

8. Accordingly, this court finds no illegality, irregularity, incorrectness or impropriety in the impugned order dated 20.07.2022 passed in MR No. 463/2019 passed by the S.D.M. Phulparas . **In the result**, this criminal revision petition is hereby **dismissed** and order passed by SDM Phulparas is upheld . Office is directed to send the LCR along with copy of this order to S.D.M. Phulparas immediately and consign the case record of Criminal Revision in record room. Accordingly this revision petition stands disposed off.

Dictated

(ANIL KUMAR RAM)
DASJ-III, Jhanjharpur