

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14287 of 2012

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1. Radhe Rai @ Radha Rai @ Radhe Roy Son Of Late Mahendra Rai Resident Of Village - Nadai, P.O. - Gora Mansingh, Block - Gaura Bouram, P.S. - Jamalpur (Bargaon O.P.), District - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Darbhanga
4. The Sub Divisional Officer, Biroul At Darbhanga
5. The D.C.L.R., Biroul At Darbhanga
6. The Circle Officer, Gaura Bauram, Darbhanga
7. Deo Narayan Rai Son Of Late Satyadeo Rai Resident Of Village - Nadai, P.O. - Gora Mansingh, Block - Gaura Bouram, P.S. - Jamalpur (Bargaon O.P.), District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJESH KUMAR JHA

For the Respondent/s : Mr. Mritunjay Kumar, A.C. to AAG10

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 04-12-2015

Heard Mr. Prem Kumar Jha for the petitioner, Mr. Mritunjay Kumar, A.C. to A.A.G.-10 for the State and the Counsel for the private respondent.

On going through the writ petition, it does appear to this Court that the application has been filed in the representative capacity alleging that the Gairmajarua Aam land used as public road under C.S. Khata no. 133, Khesra no. 719 measuring an area of 9 decimal have wrongly been recorded in the name of the private respondent during R.S. operation as R.S. Khata no. 479, Khesra no. 2501 measuring an area of 6 decimals. In the R.S. map, the entire area of

the erstwhile C.S. Khesra no. 719 has been shown to be the land of the private respondent.

It is stated that diverse representations were filed before the concerned authority but no heed was paid resulting in filing of the writ petition.

Counsel for the respondents, on the other hand, have contended that the entry in the R.S. Khatiyani has only presumptive value. The petitioner, if so advised, may take steps under the B.T. Act after getting permission for filing such suit in representative capacity.

In my view, the application should be disposed of by permitting the petitioner to raise the grievance as raised in the present case before the appropriate Revenue Authority of the State and/or take steps in accordance with law before the appropriate forum. I order accordingly.

Needless to observe that if any such representation is filed by the petitioner, the same shall receive due consideration by him/them.

(Kishore Kumar Mandal, J)

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