

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.2536 of 2013**

**In**

**Civil Writ Jurisdiction Case No. 3887 of 1990**

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Satya Narayan Barhi, son of Late Khublal Barhi, resident of Chhoti Balia  
Saidan chak, P.O. Lakhminia, P.S. Balia, Dist. Begusarai

.... .... Petitioner

Versus

1. The Collector, Begusarai
2. The Deputy Collector Land Reforms, Begusarai
3. The Anchal Adhikari (Circle Officer), Balia Anchal, Dist. Begusarai

.... .... Opp. Parties

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**  
**ORAL ORDER**

2      24-06-2015              Heard learned counsel for the petitioner and learned  
counsel for the State.

The application has been filed for modification of the order dated 22.2.2012 passed in CWJC No. 3887 of 1990 which was disposed of with a liberty to the petitioner to file an application before the Sub-Divisional Officer, Balia, directing him to consider and dispose of the same taking a sympathetic view of the matter in the light of the recommendation of the D.C.L.R. and the observation of the Collector keeping in view the undisputed long possession of the petitioner over the land in question and there being Jamabandi of adjacent land of the same plot in the petitioner's name.

Learned counsel for the petitioner submits that the Sub-Divisional Officer, Balia instead of acting on the basis of the earlier recommendation of the D.C.L.R. and observation of the

Collector practically initiated de novo proceedings so as to deprive the petitioner from the benefit of the order and has decided the same without taking sympathetic view of the matter in the light of the observations made earlier.

In my view, the said action of the Sub-Divisional Officer cannot lead to a situation where the order dated 22.2.2012 passed by this Court can be modified. The order having taken effect and acted upon even if not in the spirit in which the order had been passed can only give rise to further right of the petitioner to challenge the action of the Sub-Divisional Officer in appropriate proceedings.

The modification application is, accordingly, disposed of with the liberty to the petitioner to take recourse to appropriate proceedings for the redressal of his grievances.

**(Ramesh Kumar Datta, J)**

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