

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.726 of 2015

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Jai Prakash Gupta son of Late Ramdeo Sah, resident of village-Kare, Post Office, Police Station and Block-Sheikhpura at present residing in the house of Mahadeo Ram near Astha Homeo Hall Mithapur Bus Stand Road, Police Station-Jakkanpur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sheikhpura
3. The District Mining Officer, Sheikhpura
4. The Circle Officer, Sheikhpura Anchal, Sheikhpura

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Respondent/s : Mr. Ritesh Kumar, SC-33

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-01-2015 Heard Mr. Jitendra Kumar Roy, learned counsel appearing for the petitioner, Mr. Rajendra Prasad for the Mining Department and Mr. Ritesh Kumar, S.C.-33 for the State.

The matter has been listed under the heading 'For orders' seeking interim relief against the proposed auction invited by the Department of Mines placed at Annexure-1 to the writ petition but considering the nature of grievance raised in the writ petition, the matter has been taken up with a view to its final disposal.

The petitioner claims title over a piece of land bearing Khata No. 217, Plot No. 1508, Khata No. 218, Plot No. 2405 having area of 55 decimal and Khata No. 272, Plot No. 1030

having area of 87 acres situated at Mauja-Kutubddinpur, Mere Pargana Maldah, District-Munger on the basis of Hukumnama stated to have been issued on 29.11.1947.

Mr. Jitendra Kumar Roy, learned counsel standing in support of the petitioner with reference to an order passed by this Court in CWJC No. 8333 of 2014, a copy of which is placed at Annexure-7 to the writ petition has submitted that even when the claim of the petitioner over the land in question is pending consideration before the Circle Officer, Sheikhpura in Mutation Case No. 3971 of 2013 that the respondent authorities of the Mining Department have issued the advertisement which also includes the plot over which the petitioner claims title. He submits that the Mining Department was also a party respondent in the said writ petition.

It is with reference to the auction notice present at Annexure-1, stated by Mr. Roy that item no. 1 to 9 relates to the plots which were settled in favour of his ancestors but the details as referred to in the advertisement placed at Annexure-1 differs from the details given by the petitioner at paragraph-4 of the writ petition.

Be that as it may considering the nature of grievance raised in this writ petition and the facts accompanying the

grievance, the writ petition is disposed of with liberty to the petitioner to raise his grievance before the District Magistrate, Sheikhpura alongwith papers supporting his claim over the plots in question, the details of which are mentioned hereinabove and which shall be considered and disposed of in accordance with law and after giving an opportunity of hearing to the petitioner preferably within eight weeks from filing of such representation.

(Jyoti Saran, J)

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