

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1029 of 2015

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Rani Mishra Wife of Sri Keshav Jha Resident of village & P.O. Katasari, P.S.
Shyam Pur Bhataha, District - Sheohar

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The Collector, Sheohar, District Sheohar
4. The Deputy Collector, Land Reforms, Sheohar, District Sheohar
5. The Circle Officer, Sheohar Sadar, District Sheohar
6. Sri Khakhu Sah, Son of Late Bujhawan Sah resident of village - Mesaudha, P.S. & Anchal - Piprahi, District - Sheohar

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Mohan, Advocate
For the State : Mr. Nawal Kishore Singh, SC 2 &
Kamlesh Prasad, AC to SC 2.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-02-2015

Heard learned counsel for the petitioner and the State.

It is submitted on behalf of the petitioner that Deputy Collector Land Reforms concerned is proceeding in the matter after erroneously rejecting the issue of maintainability raised by the petitioner by filing a petition. However, from the order dated 30.12.2014 it appears that the petitioner could not state anything regarding his claim over the property concerned. In above view of the matter his prayer for dismissal of the case on being non-maintainable has been rejected.



From the documents which have been filed before the Deputy Collector Land Reforms and appended in the present writ petition also it appears that the petitioner could not set up his case at all as to how a dispute with regard to title is being raised by him. Only on a blanket statement that the issue or dispute with regard to title is involved would not help the petitioner.

However, in view of the fact that the petitioner has brought some documents on record to show that he had purchased the land, he may well be advised to file all these documents before the Deputy Collector Land Reforms in the concerned case itself and take such stand in his written statement so that a final decision could be taken by him after consideration of the issues raised by the parties. It goes without saying that in view of the fact that the petitioner has been directed by the D.C.L.R. to file his written statement along with documents, he would be at liberty to file a detailed reply bringing all the documents on record. Thereafter, a decision should be taken by the authority concerned on its own merit and in accordance with law also touching the issue of maintainability if raised by the petitioner again in his written statement.

However, it is made clear that this Court has not formed or expressed any opinion with regard to the merit of the case of the

petitioner or maintainability of the case concerned.

Accordingly this writ application stands disposed of

(Dr. Ravi Ranjan, J)

Spd/-

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