

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1139 of 2005

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MD. ZEY AUR RAHMAN SON OF MD. SABIR, RESIDENT OF
VILLAGE-MURIA, P.S.-SADAR, DISTRICT-DARBHANGA.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR.
2. PRADEEP KUMAR, THE COLLECTOR-CUM-DISTRICT
MAGISTRATE, DARBHANGA, SON OF NAME NOT KNOWN.
3. BRAHMCHARI CHANDRA SHEKHAR PRASAD, THE ADDL.
COLLECTOR, DARBHANGA.
4. BHOPENDRA NARAYAN YADAV, THE ANCHAL ADHIKARI,
ANCHAL SADAR, DARBHANGA, SON OF NAME NOT KNOWN.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. Abbas Haider, Adv.
Mr. Md. Kamil Akhtar

For the Respondent/s : Mr. (Gp3)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

8 11-02-2016 In pursuance of order dated 22.01.2016

supplementary show-cause has been filed on behalf of opposite
party no.2 containing annexures including the order dated
13.02.2008 passed in LPA No.521 of 2006 wherefrom it is evident
that the operative direction given by the learned Single Judge vide
order dated 01.02.2005 in CWJC No.4886 of 2004 has been
annulled in following way:

*“...However, in the facts of the present case the
learned Single Judge ought not to have directed for settlement of
a particular piece of land.”*

Furthermore, another operative part of the order
passed under LPA is quoted below:

“...direct the District Magistrate to take decision on the prayer of the writ-petitioner within three months from the date of receipt/production of a copy of this order.”

It has been submitted at the end of learned SC-27 that within the aforesaid time frame, the District Magistrate considered and passed appropriate order turning down the prayer made on behalf of petitioner as his activity was found deceptive one. Even then, an opportunity was given to the petitioner to opt another piece of land and request the authority which, the petitioner up till now failed to avail.

Learned counsel for the petitioner has submitted that petitioner is ready to avail the situation and if so placed, then in that event, the authorities concerned including District Magistrate will take notice thereof, more particularly, in the background of assertion made on his behalf in supplementary show-cause whereunder another choice has been invited at the end of the petitioner.

With the aforesaid observation, instant petition did not justify its further continuance and is accordingly dropped.

(Aditya Kumar Trivedi, J.)

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