

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

**Civil Writ Jurisdiction Case No.11241 of 2013**

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Deo Nandan Paswan Son Of Late Janak Paswan Resident Of Village - Kamaraper,  
P.O. - Rupas, P.S. - Athmal Gola, District - Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Banka
2. The District Magistrate, Banka
3. The Principal Secretary-Cum-Land Reforms Commissioner, Revenue And Land Reforms Department, Old Secretariat, Patna
4. The Director Of Consolidation, Bihar, Patna
5. The Consolidation Officer, Katoria, Banka
6. Revenue Officer, Katoria, Banka

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Suhawan Singh, Adv.

For the Respondent/s : Mr. Ashish Kumar, AC to GA-V

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 01-09-2016**

Heard learned counsel for the parties.

It appears that misconceived writ application has been filed by the petitioner as earlier the petitioner has moved before this Court in CWJC No. 1284 of 2010 which was disposed of vide order dated 7.9.2010. The order dated 7.9.2010 reads as follows:-

*"Heard learned counsel for the petitioner. No one appears on behalf of the State.*

*Despite adjournment granted no counter affidavit has been filed eight months after the institution of the writ application.*

*The relief sought is to be considered for grant of 1st and 2nd A.C.P. The petitioner has already represented for the purpose on 30.10.2009.*

*Let the District Magistrate, Banka consider and dispose off the representation of the petitioner by a reasoned and speaking order within a maximum period of two months from the date of receipt/presentation of a copy of this order.*

*It is expected that if the District Magistrate finds justification in the claim or any part of the claim, necessary consequential orders shall be issued simultaneously.*

*The writ application stands disposed."*

For the same relief, the learned counsel for the petitioner has again filed the present writ application which itself is not maintainable. Instead of moving this Court, he should have moved before appropriate authority.

This application is, accordingly, dismissed.

However, the District Magistrate, Banka will look into the order dated 7.9.2010 in CWJC No. 1284 of 2010 and if no decision has been taken as yet, he will take a decision in accordance with law.

**(Shivaji Pandey, J)**

Rishi/-

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