

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13411 of 2014**

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Bhola Sah, son of Late Mahanth Sah, resident of Ward No. 6, Thana Road,  
Nagar Panchayat Sheohar, P.O. and P.S. and District- Sheohar

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Collector-cum-District Magistrate, Sheohar
3. The Sub-Divisional Officer, Sheohar Sadar, Sheohar
4. The Deputy Collector, Land Reforms, Sheohar
5. The Circle officer, Sheohar, District- Sheohar
6. The Officer-in-charge P.S. Sheohar, Sheohar
7. Sri Mohan Sah, son of Late Motichand Sah, resident of Ward No.10, Nagar Panchayat Sheohar, P.O. AND P.S. AND District- Sheohar

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Mohan, Adv.

Mr. Surendra Prasad Singh, Adv.

For the Respondent Nos. 1 to 6 : Mr. Md. AnisulHaque, AC to AAG-5

For the Respondent No. 7 : Mr. Arun Kumar, Adv.

Mr. Md. Hussammudin Azad, Adv.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

5      06-09-2016

Heard the parties.

The petitioner has filed the present writ petition questioning the validity and correctness of two proceedings one pending before the respondent Circle Officer, Sheohar and other pending before the respondent District Collector, Sheohar with respect to the lands fully detailed in paragraph-4 of the writ petition.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but has not been able to point out lack of jurisdiction/ power in the aforesaid two authorities, by referring to any statutory provisions.

The learned State counsel appearing on behalf of the respondent nos. 1 to 6 as also the learned counsel appearing on

behalf of the respondent no.7, on the other hand, submit that several disputed questions of facts are involved in the aforesaid two proceedings, which cannot be effectively gone into in the present proceeding at this stage. It is also contended that the aforesaid two proceedings are still pending and final orders have not been passed by the aforesaid two authorities.

It is well settled principles of law that the issues of facts must be raised and conclusively decided by the authorities concerned and only thereafter, powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to raise all the issues of facts and law, which may be available to him, with respect to the lands in question before the aforesaid two authorities namely the Circle Officer, Sheohar in seisin of Case No. 1 of 2013-14 as also the District Collector, Sheohar in seisin of Appeal No. 6 of 2014.

It goes without saying that the objections/ pleas raised on behalf of the petitioner in the aforesaid two proceedings shall be appropriately considered by the aforesaid two authorities by their reasoned and speaking orders.

The writ petition stands finally dismissed, but with the observations and directions made above.

The order of stay passed on 12.9.2014 by a Bench of this Court is hereby vacated.

**(Birendra Prasad Verma, J)**

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