

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24328 of 2013

=====

Rana Pratap Singh, Son Of Uday Pratap Singh, Resident Of Village -
Karma Bhagwan, Police Station - Aurangabad (M), District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad
3. The Sub-Divisional Officer, Aurangabad
4. The D.C.L.R, Aurangabad
5. S.D.P.O. , Aurangabad
6. Circle Officer, Aurangabad, Circle, Aurangabad
7. Officer-In-Charge, Aurangabad (Mufassil) Police Station - Aurangabad
8. Anchal Amin, Aurangabad Circle, District - Aurangabad
9. Santosh Kumar Singh, Son of Ashok Kumar Singh
10. Shaligram Singh, Son of Late Kauleshwar Singh
11. Smt. Pyari Devi, Wife of Shaligram Singh
12. Ashok Singh
13. Gopal Singh
14. Ramjee Singh
All three Sons of Shaligram Singh
15. Kauleshwar Singh, Son Of Devan Singh
16. Radha Devi, Wife of Dhirender Kumar Singh
17. Rajender Singh, Son of Late Brijmohan Singh
All Resident Of Village - Parsa, P.O. Karma Bhagwan, Police Station -
Aurangabad (Mufassil), District - Aurangabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan, Adv.
For the Respondent nos.1to8 : Mr. Dinbandhu Singh, GP-9
Mr.Satyeshwar Prasad, AC to GP-9
For the Respondent no.9 : Mr.Rajendra Narayan, Sr.Adv.
Mrs.(Dr.) Leelawati Kumari, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-01-2016

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondent Anchal Adhikari, Aurangabad to take measurement of the lands in question in the light of the order/communication dated 26.08.2013 (Annexure-1) issued by the respondent District Collector, Aurangabad. Further

prayer of the petitioner is also for setting aside the order dated 03.09.2013 (Annexure-2) passed by the respondent Anchal Adhikari, Aurangabad, whereby he has refused to take measurement of the lands in question till the matter is decided by the competent Civil Court.

The learned counsel appearing on behalf of the petitioner has argued the matter at some length, but, while he was placing the impugned order dated 03.09.2013 (Annexure-2), it transpired that for identical reliefs the petitioner had approached the competent authority i.e. the D.C.L.R. under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act 2009'). The matter was considered, but the prayer for measurement made on behalf of the petitioner was rejected. However, neither the aforesaid order has been brought on record nor there is any reference in the writ petition about such order.

The learned senior counsel appearing on behalf of the respondent no.9 submits that the present writ petition is fit to be dismissed on the ground of concealment of material facts. According to him, for the measurement of land, indisputably, the petitioner had approached the competent authority under the provisions of the Act, 2009, but that prayer was rejected. If the petitioner was at all aggrieved by the aforesaid, he could have challenged the aforesaid order before the appellate authority as provided under Section 14 of the Act, 2009.

The learned counsel appearing on behalf of the petitioner has not been able to dislodge the findings recorded by the respondent Circle Officer that the petitioner had earlier moved before the competent authority under the provisions of the Act, 2009 for measurement of the lands in question. In fact, the

petitioner is guilty of suppression of material facts.

In that view of the matter, the present writ petition is dismissed.

However, the petitioner, if so advised, may approach the appellate authority under the provisions of the Act, 2009 for redressal of his valid grievances.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--