

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14201 of 2014

With
Interlocutory Application No. 6047 of 2015
And
Interlocutory Application No. 4579 of 2016

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Umashankar Prasad Yadav son of Late Barijnandan Rai, Resident of
Mohalla- Mehsol Tola, P.O.- Magurah, P.S.- Dumra, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sitamarhi
3. The D.C.L.R., Sadar, Sitamarhi
4. The Circle officer, Dumra, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.
For the Respondent/s : Mr. Harun Quareshi, AC to SC-1
For the Intervenor : Mr. Tara Nath Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-09-2016 Heard the parties.

The grievance of the petitioner in the present writ petition is that though he has approached the revenue authorities for creation of Jamabandi in his name with respect to the lands in question, mentioned in paragraph-1 of the writ petition, but his claims are not being considered.

The learned counsel appearing on behalf of the Intervenor, who has filed I.A. No. 6047 of 2015 and I.A. No. 4570 of 2016, on the other hand, submits that with respect to the lands in question, Title Suit No. 189 of 2014 is already pending in the court of the learned Sub-Judge-I, Sitamarhi in which both sides, apart from the others, are parties.

In view of the nature of the grievances/ claims raised on behalf of the petitioner in the present writ petition, this Court is of

the opinion that for redressal of his valid grievances, the petitioner must file a fresh petition in the prescribed format before the prescribed statutory authority, after impleading all the necessary parties including the intervenor or his heirs and legal representatives, for grant of appropriate reliefs to the petitioner with respect to the lands in question.

If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the prescribed statutory authority under the provisions of The Bihar Land Mutation Act, 2011 shall initiate an appropriate proceeding for consideration of the claim of the petitioner vis a vis the intervenor, besides others, and after giving an opportunity of hearing to all concerned, shall pass order strictly in accordance with law.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question before the prescribed authority.

With the aforesaid observations and directions, the present writ petition as also I.A. No. 6047 of 2015 and I.A. No. 4579 of 2016 stand disposed of.

(Birendra Prasad Verma, J)

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