

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10492 of 2016

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Sahjendra Prasad Singh son of Late Jugeshwar Prasad Singh resident of Village-
Dasratha, P.S- Beur, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Land Reforms Department, Government of Bihar, Patna
4. The Collector, Patna
5. The Additional Collector, Revenue, Patna
6. The Deputy Collector Land Reforms, Patna

.....Respondent 1st Set

7. Smt Soni Singh wife of Late Murli Manohar Prasad Singh resident of Village-
Dasratha, P.S- Beur, District- Patna

..... Respondent 2nd Set

8. Sri Vijay Kumar Sinha son of not known, Advocate Commissioner, sitting place
at Table No-7, Main Hall, District Bar Associate, Civil Court Premises, Patna, P.S-
Bankipur, District- Patna

..... Respondent 3rd Set

9. Sri Bhutan Suingh son of Late Rajendra Singh
10. Sri Binod Singh son of Late Narendra Singh
11. Sri Vinay Singh son of Late Narendra Singh
12. Sri Ravindra Singh son of Sri Raj Baran Singh
13. Sri Vijay Shankar Singh son of Sri Nageshwar Prasad Singh
14. Sri Daya Shankar Singh son of Sri Nageshwar Prasad Singh 9 to 14 are resident
of Village- Dasratha, Ps- Beur, District- Patna

.... Respondent 4th Set

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Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Respondent/s : Mr. VINAY KRITI SINGH, GA3

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 11-07-2016

Heard the counsel for the petitioner and the State.

The petitioner complains against the order dated

02.02.2016, passed by the learned Deputy Collector Land Reforms,



Patna in Demarcation Case No. 18 of 2014-15, filed by respondent 2nd set for demarcation of the land appertaining to Khata No. 26, Survey Plot No. 47 measuring an area of 18 decimals in Mauza Dasratha, Thana No. 30 in the District of Panta. He has also questioned the steps taken in the light of the said order by the respondent-DCLR.

Contention of the petitioner is that without impleading him as party to the said proceeding, the order was passed. The petitioner claims right title and possession over the land. The respondent(s) made the application which ignited the proceeding. It is stated that the petitioner be granted a liberty to approach the DCLR and file an objection to the continuance of the proceeding in the court of the DCLR after producing the relevant documents as also the order which, in the meanwhile, has been passed by the Authority under the Code of Criminal Procedure. As the jurisdiction of the Authority is being challenged by the petitioner besides infringement of his right to property, I am inclined to allow this writ application permitting the petitioner to file appropriate application before the DCLR in the pending Demarcation Case No. 18 of 2014-15 for his consideration and disposal in accordance with law.

The counsel for the petitioner states that such application

shall be filed within two weeks'. If any such application is filed by the petitioner, the respondent(s) will stay hands in proceeding further with the matter until consideration and disposal of the application to be filed by the petitioner. The writ application is allowed with the aforesaid observation.

Needless to observe that in considering the application of the petitioner, the order dated 02.02.2016 shall not preclude the DCLR from passing a fresh order in accordance with law.

(Kishore Kumar Mandal, J)

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