

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10034 of 2013

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And Kumar Choudhary Son Of Sri Mundrika Choudhary Resident Of Mohalla - Chandni Chowk, P.O. Sheikhpura, Police Station - And District - Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sheikhpura
3. The D.C.L.R. Sheikhpura
4. The Circle Officer, Sheikhpura
5. Arun Kumar Son Of Sri Saudagar Sao Resident Of Mohalla - Naya Bazar, Lal Pahari, Lakhisarai, Post, Police Station And District - Lakhisarai, At Present Resident Of Mohalla - Kachahari Road, Post, Police Station And District - Sheikhpura

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 10-02-2016

Heard both sides.

The petitioner claims right, title and possession on the subject land.

The writ application is filed to challenge the notice dated 16.04.2013 (Annexure-1), issued from the office of the Circle Officer, Sheikhpura for measurement of the land set out therein. The notice is not addressed to the petitioner. On the basis of his stated title and possession thereon, the writ petition has been filed challenging that earlier mutation application filed by respondent no.5 in respect of subject land was considered and rejected by the revenue authority.

Conversely, counsel for the State has submitted that only measurement of the land in the impugned notice is to be carried out. Such measurement of the land could not be made when the petitioner objected. Referring to paragraph 10 of the counter affidavit, it has been stated that an objection of the petitioner in this regard was filed in the said Measurement Case No. 39/12-13 which is pending consideration before the Circle Officer.

The writ application, in my view, deserves to be disposed of by directing the Circle Officer to examine the objection of the petitioner before taking further step towards measurement of the subject land in accordance with law.

(Kishore Kumar Mandal, J)

HR/-

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