

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18201 of 2015

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Amarendra Kumar Singh, son of Late Nityanand Singh, resident of village
Nawabganj, P.S.- Manihari, Dist.- Katihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna
2. The Collector, Katihar
3. The Subdivisional Officer, Manihari, Dist.- Katihar
4. The Deputy Collector, Land Reforms, Katihar, Dist.- Katihar
5. The Circle Officer, Manihari P.S.- Manihari, Dist.- Katihar
6. Uma Devi, wife of Basudeo Prasad Singh, resident of village-
Nawabganj, P.S- Manihari, Dist.- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. V.R.P. Singh, Adv.
For the Respondent nos.1to5 : Mr. Md.Faiz Ahmed, AC to GP-14
For the Respondent no.6 : Mr.R.C. Sahni, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-10-2016

Heard the parties.

The grievance of the petitioner in the present writ petition, filed under Article 226 of the Constitution of India, is that despite the order of remand made by the S.D.O., Manihari by his order dated 25.03.2015 passed in Revenue Appeal Case No.1 of 2014-15, as contained in Annexure-4 to the writ petition, a final order is not being passed by the respondent Circle Officer, Manihari and, in the meantime, nature of the land is sought to be changed by the private respondent no.6.

The learned counsel appearing on behalf of the petitioner submits that till the matter is finally decided by the Circle Officer, Manihari in view of the aforesaid order of remand passed by the S.D.O., Manihari, the respondent no.6 may be directed not to alienate the lands in question in favour of any third

person and further the Circle Officer, Manihari may be directed to dispose of the case pending before him under Section 48-D of the B.T. Act at an early date.

Though, this writ petition was filed way back on 23.11.2015, but till date no counter affidavit has been filed on behalf of the respondent nos.1 to 5. The respondent no.6 has also entered appearance suo motu through her counsel, but has not filed any counter affidavit disputing the averments made in the writ petition.

In above view of the matter, the present writ petition is disposed of with a direction to the Circle Officer, Manihari to dispose of the 48-D case pending before him filed on behalf of the petitioner expeditiously in the light of the order of remand made by the S.D.O., Manihari by the order dated 25.03.2015 (Annexure-4). However, before passing any final order, reasonable opportunity of hearing must be given to the petitioner, the respondent no.6 and other private individuals, if any. Till the matter is finally decided by the respondent Circle Officer, Manihari, the parties shall maintain status quo, as obtaining today, over the lands in question.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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