

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22331 of 2013

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1. Ramayan Pandey Son Of Late Raj Bali Pandey Resident Of Village- Girdhar Parsa, P.O.- Bhagwat Parsa, Circle And P.S.- Phulwaria, District- Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of General Administration, Government Of Bihar, Patna
2. The Principal Secretary, Department Of Social Welfare, Government Of Bihar, Patna
3. The Director, Directorate of Social Welfare, Government Of Bihar, Patna
4. The Director, ICDS, Bihar, Indira Bhawan, Patna
5. The District Magistrate, Gopalganj
6. The District Welfare Officer, District- Gopalganj
7. The District Programme Officer, District- Gopalganj
8. The Block Development Officer, Phulwaria, District- Gopalganj
9. The Circle Officer, Phulwaria, District- Gopalganj
10. The Child Development Project Officer, Phulwaria, District-Gopalganj
11. The Jila Parisad Gopalganj Through Its Chief Executive Officer/Secretary Jila Parisad, Gopalganj
12. The Chief Executive Officer, Jila Parisad, Gopalganj
13. Sri Munna Kinnar Son of Not Known The Member Jila Parisad From Circle Phulwaria, District- Gopalganj
14. The Gram Panchayat Raj Churaman Chak, Through It's Secretary At Gram Panchayat Raj Churaman Chak, Block- Phulwaria, District- Gopalganj
15. The Secretary, Gram Panchayat Raj Churaman Chak, Block- Phulwaria, District- Gopalganj
16. The Mukhiya, Gram Panchayat Raj Churaman Chak, Block- Phulwaria, District- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey-5, Advocate.
For the State : Mr. Sajid Salim Khan, SC-25
For the respondent
Nos. 11 and 12 : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 26-07-2016

Heard both sides.

A supplementary affidavit is filed by the petitioner.

The writ application alleges that the respondents are constructing Girdhar Parsa Aanganbari Centre on the land which was allegedly settled by the ex- landlord in favour of the ancestor of the petitioner. In the CS Khatyan (Annexure-1), the land appertaining to khata no. 93, plot nos. 107 and 110 is recorded as 'Gairmajarua Malik' in the possession of the Niyamat Badahi. The petitioner also claims creation of Jamabandi in respect of the same land. However, from the pleadings on record, it appears the State respondent had filed a Jamabandi cancellation proceeding which is pending consideration before the Additional Collector.

Along with the supplementary affidavit, the order dated 08.04.2016 passed by the Additional Collector in the said proceeding vide Jamabandi cancellation case no. 01 of 2014-15 is annexed at Annexure-7. The Additional Collector on a request made by the petitioner has stayed hands from proceeding further in the matter owing to pendency of the present writ petition. A dispute pertaining to the land is pending consideration before the Competent Court. In that view of the matter, this Court is not inclined to grant any relief by recording any finding which may adversely affect the parties in the pending proceeding before the Additional Collector. Upon disposal of the aforesaid proceeding, the petitioner shall be at liberty to invoke

the jurisdiction of the appropriate forum/Court for redressal of his grievance in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.08.2016
Transmission Date	