

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12999 of 2013

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1. Md. Mojim Son Of Late Md. Vasir Miya Resident Of Village- Paina
Tola- Chanda, P.S.- Chausa, District- Madhepura

2. Md. Razzaque Son Of Md. Mangan Miya Resident Of Village- Paina
Tola- Chanda, P.S.- Chausa, District- Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhepura
3. The Sub Divisional Officer, Udakishanganj, Madhepura
4. The Deputy Collector, Land Reforms, Udakishanganj, District-
Madhepura
5. The Anchal Adhikari, Chausa, District- Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Prashant Pratap

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 09-03-2016 Mr. Sunil Kumar Singh for the petitioner and the
counsel for the State are present.

No counter affidavit is filed on behalf of the
respondent(s).

The application seeks a direction upon the
respondent(s) not to give effect to the proposal which was initially
sanctioned on the recommendation by the respondent Circle
officer to hand over the land detailed in para -7 to the concerned
Gram Panchayat for construction of cattle shed.

It appears the subject land was recorded in the RS

khatiyani as gairmajaruwa Anabad Bihar Sarkar. On the said premises the revenue authority proposed for handing over the land to the Gram Panchayat for construction of the cattle shed.

Mr. Singh states that a Title Suit being Title Suit No. 90 of 2009 was filed for setting aside the RS entry by the writ petitioners which, on contest, was allowed vide judgment dated 15.9.2010 (Annexure-1). Having found that a decree of the competent Civil Court was passed in favour of the petitioners respecting the subject land the respondent- Circle Officer vide Annexure-4 proposed for the withdrawal of the earlier proposal/recommendation made by him. Annexure-6 is the communication dated 17.1.2013 issued by the Sub Divisional Officer to the Anchal Amin. On perusal whereof, it appears that considering the recommendation of the Revenue authority for dropping the proposal of handing over the land to the Gram Panchayat in the light of the decree passed by the Court, the Sub Divisional Officer has directed to take steps for filing appeal thereagainst. The recommendation for cancellation of earlier proposal was acceded to by the Sub Divisional Officer.

In the aforesaid circumstances, this Court finds no difficulty in holding that the writ application as such has become infructuous as the respondents are not proceeding further in the

light of the earlier proposal for hading over the subject land to the Gram Panchayat treating the land as the Government land . Obviously, any step in respect of the subject land can be taken by the respondent consistent with the decree of the Court.

The application is accordingly disposed of.

(Kishore Kumar Mandal, J)

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