

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21789 of 2013

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Bishambhar Jha, Son of Late Jaynandan Jha Resident of Village - Bhawanipur, P.S.
Sakari, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Department of Social Welfare, Government of Bihar, Patna
3. Secretary, Department of Panchayati Raj, Government of Bihar, Patna
4. District Magistrate, Madhubani
5. Deputy Development Commissioner, Madhubani
6. District Welfare Officer, Madhubani
7. Child Development Project Officer, Madhubani
8. Anchal Adhikari, Pandaul District Madhubani
9. Block Development Officer, Pandaul District Madhubani
10. Mukhia, Gram Panchayat Raj, Bhawanipur, Anchal Pandaul, P.S. Sakari,
District - Madhubani
11. Sailendra Kumar Jha, Son of not Known to the Petitioner, Presently Holding
The Post of Circle Officer, Pandaul, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : MR. AJAY KUMAR THAKUR, ADVOCATE
MR. DUDH NATH SINGH, ADVOCATE
MR. AVINASH KUMAR, ADVOCATE

For the Respondent/s : MR. VISHWA MOHAN KUMAR SINHA

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 14-07-2017

The present writ application has been filed for



setting aside letter No. 962 dated 24.07.2013, issued by Circle Officer, Pandaul, Respondent No. 8, wherein it is stipulated that since State of Bihar is not party defendant in Title Suit No. 158 of 2002, hence, the judgment of title suit is not binding on the State of Bihar. Moreover CS Plot No. 3509, R.S. Plot Nos. 1900 and 1901, R.S. Khata No. 1980 are recorded as Anabad Bihar Sarkar in the Revisional Khatian, hence, the Anganwari Centre or school has rightly been constructed over the land in question. Further prayer has been made for directing the respondents not to make any construction on old plot no. 3509 being revisional survey Plot No. 1900, 1901 measuring an area of 2 bigha 5 katha.

I.A. No. 4866 of 2017 has been filed for restraining the respondent authorities to make any construction on the land in question.

It is submitted by learned counsel for the petitioner that in the cadastral survey, the land in question is recorded in the name of the ancestor of the petitioner but in the revisional survey it has been recorded as Anabad Bihar Sarkar. The petitioner has filed suit under Section 106 of the B.T. Act which is numbered as, Suit No. 3944 of 1996 for the correction of entry in the revisional survey and the same is pending, as has been stated in paragraph no. 5 of the Interlocutory Application affidavited on 10.07.2017. Hence, counsel



for the petitioner confines his prayer only to the extent that the authority may be directed to dispose of Case No. 3944 of 1996 pending in the court of Settlement Officer, Darbhanga.

Accordingly, this writ application is disposed of with direction to the Settlement Officer, Darbhanga to dispose of Suit No. 3944 of 1996 within a period of three months from the date of receipt/production of a copy of this order, if the same has already not been disposed of, after giving opportunity of hearing to all the affected persons.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2017
Transmission Date	NA

