

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13218 of 2014

=====

Sri Niwas Pd. Keshri @ Newas Keshari son of Late Girdhari Pd. Keshari R/o village - Mahesh Khut English, p.s. - Mahesh Khut, distt. - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The District Magistrate, Khagaria.
3. The Land Reforms Deputy Collector, Gogari, Khagaria.
4. The Circle Officer, Gogari Khagaria.
5. The Officer Incharge, Maheshkhut, P.S. - Khagaria.
6. Upendra Beldar
7. Roolo Bin.
8. Ashok Beldar

All 6 to 8 are sons of Late Lakhan Beldar R/o village - Mahesh Khoot English, p.s. - Mahesh Khoot, Distt. - Khagaria.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha, Advocate.

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-02-2017

Heard learned counsel for the parties.

The petitioner has moved the Court seeking a direction to the State authorities to implement the order dated 13.01.2012 passed by the respondent no. 3 in Land Dispute Resolution Case No. 82 of 2011-12 by which it has been held that the land in question belongs to the petitioner and the Officer in-Charge of the local police station has been directed to ensure that the peaceful possession of the petitioner is not disturbed on the said land.

Learned counsel for the State at the outset raised a preliminary objection and submitted that the petition is too vague and also premature inasmuch as, nothing has been brought on record to



show as to when the petitioner's possession of the land in question was threatened and he moved either before the Circle Officer or In-charge of the local police station. Faced with the situation, learned counsel for the petitioner submitted that he had personally visited the respondent no. 3 who is author of the order in question but nothing happened.

Be that as it may, since the admitted position is that there is nothing on record to show that the petitioner has ever made a representation, before the respondents no. 4 or 5 with regard to details of his apprehension or otherwise with regard to his possession being disturbed on the land in question, in the considered opinion of the Court, no positive direction can be given. However, the writ petition stands disposed off with liberty to the petitioner to file an appropriate petition giving details therein before the respondents no. 4 and 5 with regard to the implementation of the order dated 13.01.2012. If such representation is filed, the respondents no. 4 and 5 shall look into the matter and take appropriate action in accordance with law and also keeping in mind the order passed by the respondent no. 3 dated 13.01.2012, if the same still holds.

(Ahsanuddin Amanullah, J)

Prakash/-

AFR/NAFR	
U	

