

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11572 of 2015

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Uday Kumar Singh, S/o- Sri Chandrika Singh- Resident of Rongha, P.S.-
Kothi, District-Gaya(Bihar)

... .. Petitioner

Versus

1. The State of Bihar ,the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education , Govt. Of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
4. The Collector Cum District Magistrate, Gaya.
5. The District Education officer, Gaya.
6. The Dy. Collector(Land Reforms), Sherghati District Gaya
7. The Sub Divisional Magistrate, Shergahati.
8. The Circle Officer, Imamganj, District Gaya
9. The Block Education officer, Imamganj, District Gaya.
10. The Officer in Charge (S.H.O) Imamganj Police Station , District Gaya

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Adv.
For the Respondent/s : Mr. Ajay Bihari Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-12-2017 Heard Mr. Bindhyachal Singh, learned counsel for the

petitioner and Mr. Upendra Kumar Singh, learned AC to GA for

the respondent-State.

The present writ application was initially filed with

following reliefs as stipulated in paragraph no.1 of the writ

application, which reads as follows:-

“1.(i) For issuance of a writ in the nature of certiorari or any
other appropriate writ for quashing of order dated 06.05.2015
passed in Criminal Revision No. 57 of 2015 by the court of
Learned Sessions Judge, Gaya whereby and where under the
revision petition filed by the petitioner has been dismissed
and further quashing of order dated 04.04.2015 passed in
Misc. Case No. 55 of 2015 by the court of learned Sub-
Divisional Magistrate, Sherghati wherein it has been held that



this matter is concerned with encroachment of government land and Circle Officer, Imamaganj has been directed to initiate proceeding for an encroachment case against the petitioner and other co-sharers of land in questions.

(ii) For issuance of a writ in the nature of mandamus or any other appropriate writ commanding the respondents concerned to dispose of the Rent/Revenue Case No. 05/2014-15, to fix revenue (malgajari) of the land in questions, to open demand in the name of petitioner and other co-sharers and to issue revenue (malgajari) receipts in favour of petitioner and other co-sharers.

(iii) For issuance of a writ in the nature of mandamus or any other appropriate writ commanding the respondents concerned to restrain from the operation of order dated 04.04.2015 passed in Misc. Case No. 55 of 2015 and also restrain from interfering in absolute and peaceful possession of the petitioner and other co-sharer over the land in question.

(iv) For holding that the action of respondents authorities taken in the matter is quite illegal, invalid, arbitrary, capricious and against the settled principles of law.

(v) For issuance of any other appropriate writ(s), order(s) or direction(s), which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Subsequently, I.A. No. 7578 of 2017 has been filed with a prayer for deleting Prayer no. 1(i) from the main writ application whereby it was prayed for quashing the order dated 06.05.2015, passed in Criminal Revision No. 57 of 2015 by learned Sessions Judge, Gaya whereby revision petition filed by the petitioner has been dismissed. Further prayer was made for quashing the order dated 04.04.2015, passed in Misc. Case No. 55 of 2015, by learned Sub-Divisional Magistrate, Sherghati.

It appears that prayer made in paragraph no. 1(i) is connected with the prayer made in paragraph no.1(iii), as in the prayer no. 1(iii), it has been prayed for restraining the



respondents to give effect to order dated 04.04.2015, passed by Sub-Divisional Officer, Sherghati in Misc. Case No. 55 of 2015, hence, in view of the prayer made in Interlocutory Application, the prayer made in paragraph no. 1(i) and 1(iii) is permitted to be deleted as not pressed.

So far as prayer no. 1(ii) is concerned, learned counsel for the petitioner submits that in view of the judgment and decree passed in Title Suit No. 04 of 2000, the land appertaining to Thana No. 318, Khata No. 99, Plot Nos. 144, 275, 277 and 278, measuring an area of 1.31 acre, situated in Mauza Pasewa, District Gaya, belonged to the petitioner. The petitioner has filed Rent/Revenue Case No. 05 of 2014-15 for fixation of the rent, but the same is still pending before DCLR, Sherghati.

It is submitted by learned counsel for the respondent-State that if Rent/Revenue Case No. 05 of 2014-15 has not been disposed of as yet, the same will be disposed of within a time frame.

In the circumstance, the present writ application is disposed of with a direction to the DCLR, Sherghati to dispose of Rent/Revenue Case No. 05 of 2014-15, 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 due opportunity of hearing to all affected persons.

However, disposal of the present writ application will not preclude the petitioner to challenge the order dated 06.05.2015, passed in Criminal Revision No. 57 of 2015, and order dated 04.04.2015, passed in Misc. No. 55 of 2015 before appropriate forum or to challenge the orders passed in any encroachment proceeding if initiated in pursuance to the order dated 04.04.2015, passed in Misc. Case no. 55 of 2015, before the appropriate forum.

(Dinesh Kumar Singh, J)

Amrendra/-

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