

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3774 of 2016

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Dilchandra Das, Son of Late Phuddi Das, R/o- Village- Gulariya, P.S.- Ghoghardiha, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Madhubani.
4. The Sub-Divisional Officer, Phulparas, District- Madhubani.
5. The Circle Officer, Ghoghardiha, District- Madhubani.
6. The Officer Incharge, Police Station, Ghoghardiha, District- Madhubani.
7. Ram Narayan Das, S/o Late Chhotelal Das.
8. Lalit Das, S/o- Late Chhotelal Das.
9. Ghuran Das, S/o- Late Harilal Das.
10. Chauthi Das, S/o- Late Chhotelal Das
11. Parmeshwar Das, S/o- Phulchand Das,
12. Ram Ratan Das, S/o- Phulchand Das, null
13. Ram Narayan Das, S/o- Phulchand Das.
14. Phulchand Das, S/o- Phuddi Das, 7 to 14 are R/o- Village- Gulariya Tola, P.S.- Ghoghardiha, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav
For the Respondent/s : Mr. Vinay Kumar Mishra, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 26-10-2018

Heard Mr. Lakshmindra Kumar Yadav, learned counsel
for the petitioner and Mr. Vinay Kumar Mishra, learned AC to
AAG 15 for the respondent-State.

Learned counsel for the petitioner is permitted to
implead the Superintendent of Police, Madhubani as Respondent
No. 15.

Though the present writ application was registered on
23.02.2016, but till date no counter affidavit has been filed, hence



in view of the nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter any further nor is inclined to issue notice to private Respondent Nos. 7 to 14.

The present writ application has been filed for providing security to the petitioner for getting his paddy crop harvested from the land, appertaining to Khata No. 122, Plot No. 2542(Old), 3642 (New), situated at Mauza Kewatna Tola Gulariya, P.S. Ghoghardiha, District Madhubani. Further prayer has been made for a direction to private Respondent Nos. 7 to 14 not to interfere with the peaceful possession of the petitioner over the land in question.

It is submitted by learned counsel for the petitioner that the petitioner is the owner of the land in question as the same was purchased through registered sale deed and subsequently the land was mutated in the name of the petitioner. The petitioner grew paddy over the land in question, but he was not allowed to harvest the same at the hands of private Respondent Nos. 7 to 14. For providing security, the petitioner submitted a representation before Respondent No.4, Sub-Divisional Officer, Phulparas on 04.11.2015, as contained in Annexure-2, which was forwarded to Respondent No. 6, the Officer-in-Charge, Ghoghardiha Police Station, vide Memo No. 1233, dated 04.11.2015. Thereafter, the



petitioner submitted similar representation on 28.11.2015, as contained in Annexure-3, which was again forwarded to the Officer-in-Charge, Ghoghardiha Police Station, vide Memo No. 1316, dated 28.11.2015. Thereafter the petitioner submitted third representation to Respondent No.4, the Sub-Divisional Officer, Phulparas on 09.01.2016, as contained in Annexure-4, which was also forwarded to the Officer-in-Charge, Ghoghardiha, vide Memo No. 28, dated 09.01.2016 and lastly the petitioner submitted representation before Respondent No. 4, the Sub-Divisional Officer, Phulparas on 15.01.2016, as contained in Annexure-5, which was forwarded to Respondent No.5, the Circle Officer, Ghoghardiha and Respondent No.6, the Officer-in-Charge, Ghoghardiha, vide Memo No. 49, dated 15.01.2016, but till date security has not been provided to the petitioner.

Mr. Vinay Kumar Mishra, learned AC to AAG 15 submits that at present, he is not having any instruction, but if the petitioner submits appropriate representation, the same will be considered by the District Administration.

In the circumstances, the petitioner is permitted to submit a representation before Respondent Nos. 3, the District Magistrate, Madhubani and Respondent No.15, the Superintendent of Police, Madhubani within a period of three weeks from the date



of receipt/production of a copy of this order, whereupon it is expected from the concerned respondent authorities to consider the grievance of the petitioner and to dispose of the representation of the petitioner within a period of four weeks of its submission.

It is made clear that this Court has not expressed any opinion with regard to title and possession over the land in question.

Accordingly, with the above observations and directions, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

