

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10169 of 2015

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1. Kedar Prasad, Son of Late Bharat Sah, Resident of Village- Kharka, P.S. Nanpur, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. The Deputy Collector Land Reforms, Pupri, Dist- Sitamarhi.
4. The Sub-Divisional Officer, Pupri, Dist. Sitamarhi.
5. The Block Development Officer, Pupri, Dist. Sitamarhi.
6. The Circle Officer, Pupri, Dist. Sitamarhi.
7. Bachan Prasad, Son of Late Bharat Sah
8. Chandan Kumar, Son of Late Rameshwar Prasad
9. Bikram Kumar, S/o Late Rameshwar Prasad
10. Mahendra Prasad, Son of Late Bharat Sah. Respondents No. 7 to 10 Resident of Village- Kharka, P.S. Nanpur, District- Sitamarhi.
11. Chaurashi Prasad, Son of Late Bharat Sah, Resident of Village- Kharka, P.S. Nanpur, District Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mr. Indradev Prasad, S.C.27
Mr. Sunil Kumar Singh, A.C. to S.C.27
Mr. Prafull Chandra Thakur

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 24-08-2018 Heard learned counsel for the petitioner, learned counsel for the State and the learned counsel for the respondent Nos.7 to 10.

The petitioner has filed this petition for a direction to the D.C.L.R. to take appropriate steps on the petition filed by the petitioner and restore the possession of the petitioner on the disputed land.



Admittedly, B.L.D. Case No.53 of 2012 was instituted on the petition of the petitioner for demarcation of the land and for eviction of the respondents from the land of the petitioner. B.L.D. Case No.53 of 2012 was disposed of vide order dated 12.12.2013 and in pursuance thereof, the possession over the lands of the petitioner was handed over to the petitioner but immediately thereafter the respondents again forcibly took possession of the disputed land after dispossessing the petitioner. Petitioner filed petition before the Circle Officer on 12.07.2014 and also before the D.C.L.R.(Annexure-5) but no action has been taken.

The State did not file any counter-affidavit.

Learned counsel for the respondent Nos.7 to 10 submits that the respondents had already handed over the possession to the petitioner and no land of the petitioner has been encroached upon by the respondent Nos.7 to 10.

Having considered the facts and submissions of both sides, it appears that petitioner claimed that the respondents have dispossessed him from his own land and for recovery of possession the petitioner filed a petition before the D.C.L.R.(Annexure-5) but the office of the D.C.L.R. did not put any number and the same petition is still pending, therefore, I dispose of this writ petition with a direction to the D.C.L.R. to



hear both sides on the petition filed by the petitioner and pass
order in accordance with law.

With this observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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