

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20326 of 2016

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1. Rajendra Paswan, Son of Late Mathura Dusadh, resident of village - Mastipur, P.S. Bodh Gaya, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Revenue and land Reforms Department, Govt. of Bihar, Bihar, Patna
2. The Collector, Gaya, District - Gaya
3. The Deputy Collector, Land Reforms, Gaya Sadar, Gaya
4. The Circle Officer, Bodh Gaya, District - Gaya
5. The Officer - in - Charge of Bodh Gaya Police Station, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwanath Prasad, Sr. Adv.

For the Respondent/s : Mr. Rishi Raj Sinha-Sc19

Mr. Akhilesh Kumar Sinha, A.C. to S.C.-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-02-2018 Heard Mr. Vishwanath Prasad, learned Sr. Counsel

for the petitioner and the learned A.C. to S.C.-19 on behalf of the respondents.

The petitioner in this writ petition seeks quashing of the letter issued by respondent no. 4 dated 04.11.2016.

Learned counsel for the petitioner submits that the Circle Officer has got no jurisdiction to direct the Officer-Incharge to maintain the status quo with regard to the lands of Khata No. 448, Plot no. 528, corresponding to C.S. Plot no. 298.

Learned counsel for the respondents submits that in paras 6, 7 and 8 it has been stated that the Circle Officer only



directed the Officer In-charge of Bodh Gaya P.S. to maintain the status quo with regard to the lands for which Misc. Case No. 22/2015-16 is pending.

I am of the view that the Circle Officer has got no jurisdiction to issue any such letter directing the Officer In-charge of the concerned P.S. to maintain status quo with regard to any piece of land. If there is any apprehension of the breach of peace with regard to possession of land, the Sub-divisional Officer has got jurisdiction under Section 144 of the Code of Civil Procedure to initiate proceeding and issue Rule Nisi to the both sides not to interfere in the possession of the lands.

Considering the aforesaid facts, I find that the letter contained in Annexure-5 is without jurisdiction and accordingly, the same is set aside.

The present writ petition is allowed accordingly.

(Prabhat Kumar Jha, J.)

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