

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2303 of 2018

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Ramautar Manjhi, S/o- Late Saman Manjhi, Resident of Village- Dema
Fatehpur, P.S.- Khizersarai, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya,
District- Gaya.
2. The District Magistrate, Gaya, District- Gaya.
3. The Additional Collector, Gaya, District- Gaya.
4. The Circle Officer, Khizersarai, District- Gaya.
5. Jaipal Yadav @ Ram Jaipal Yadav, S/o- Lakhan Yadav, Resident of Village-
Pachoi, P.S.- Khizersarai, District- Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha
For the Respondent/s : Mr. Subhash Chandra Yadav -Gp15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 26-06-2018

Heard Mr. Ravindra Kumar Sinha, learned counsel for
the petitioner and Mrs. Sangha Mitra Ghosh, learned AC to GP-15
for the Respondent-State.

Though, the present writ application was registered on
05.02.2018, but till date no counter affidavit has been filed, hence,
in view of nature of order this Court intends to pass, this Court is
not incline either to adjourn the matter any further or to issue
notice to private Respondent No.5.

The present writ application has been filed for a
direction to the respondent authorities to provide security and to
restore the possession of the petitioner over the land, appertaining



to Khata No. 555, Plot No. 2115, situated at Village Dema Fatehpur, P.S. Khizersarai, District Gaya.

It is submitted by learned counsel for the petitioner that the land in question was settled in favour of the father of the petitioner and subsequently, the petitioner paid the rent and rent receipt was issued in his favour, but in the year 2017, private Respondent No.5 had dispossessed the petitioner from the land in question. Such dispossession was challenged by the petitioner before Sub-Divisional Public Grievance Redressal Officer, Nimchak Bathani, who directed the petitioner to submit the original parwana and rent receipt to Respondent No. 4, the Circle Officer, Khizersarai, whereupon the Circle Officer was directed to take action, but in spite of submission of original parwana and rent receipt, the Circle Officer, Khizersarai has not taken any action.

Learned AC to GP-15 submits that at present he is not having any instruction, but if the Respondent No.4, the Circle Officer, Khizersarai has not disposed of the representation of the petitioner, he will dispose of the same within a time frame.

Considering the rival submissions of the parties, this Court is of the view that the question of dispossession from the private land by the private respondent cannot be decided by exercising the discretionary jurisdiction under Article 226 of the



Constitution of India, which requires leading of evidence and the same cannot be resolved by availing appropriate remedy before the competent Civil Court.

However, it is expected from Respondent No.4, the Circle Officer, Khizersarai to dispose of the application of the petitioner expeditiously.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.07.2018
Transmission Date	

