

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5245 of 2018

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Satish Kumar, S/o Late Ramdeo Singh, Resident of Village- Narayanpur, P.S.-
Rajepur, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms.
2. The District Collector, East Champaran at Motihari.
3. The Sub-Divisional Officer, Chakiya, East Champaran.
4. The Deputy Collector, Land Reforms, Chakiya, East Champaran.
5. The Circle Officer, Mehsi, East Champaran.
6. The Superintendent of Police, East Champaran, Motihari.
7. The Officer-in-Charge, Rajepur, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Respondent/s : Mr. RISHI RAJ SINHA -SC19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 01-10-2018

Heard both sides.

The petitioner has filed this writ petition for issuance of writ of certiorari or any other writ for setting aside the notice dated 10.02.2018 whereby and whereunder, the Circle Officer, Mehsi has directed the petitioner to stop ongoing house construction work over Khesra No. 973 Than No. 72 situated in Mauza-Rajepur till final decision of Lok Nivaran Shikayat 2nd Appeal No. 116/2017 (“Shri Shivshankar Prasad versus the Circle Officer Mehsi”).

Learned counsel for the petitioner submits that land of Khesra No. 973, Khata No. 04 situated in Rajepur Mauza within the



jurisdiction of Rajepur Police Station is owned and possessed by Late Ramdeo Singh, the father of the petitioner. A notice was issued to the father of petitioner on 05.05.1995. Father of the petitioner gave detailed reply. Land was measured and ultimately it was found that plot no. 973 of Khata No. 04 is owned and possessed by Ramdeo Singh. The matter comes to an end vide letter no. 470 dated 23.09.95 issued under the signature of Circle Officer, Mehsi (Annexure P-8) and the concerned authority allowed the father of the petitioner to construct house on plot no. 973, but again on the complaint of some unknown persons, the Circle Officer issued notice to the petitioner on 10.04.2018 (Annexure-10) not to construct any house on plot no. 973 Khata No. 04 situated in village Rajepur Bazar. The petitioner immediately after having received the notice filed detailed show-cause before the Collector, East Champaran, Motihari (Annexure-P12) and also filed show-cause before the Circle Officer (Annexure-P11) stating the entire facts, but the Collector did not pass any order and obstructed the petitioner from using his own land without any rhyme or reason.

The State has filed counter affidavit, but did not give any plausible explanation and the reply to the facts stated in the writ petition.

Having considered the facts aforesaid, I direct the Collector,



East Champaran Motihari to dispose of the petition of the petitioner filed in appeal pending before the Collector, East Champaran, Motihari within one and half months from the date of receipt/production of a copy of this order, taking into consideration the fact that this dispute has already been settled by the Revenue Authority and the Circle Officer vide his letter, as contained in Annexure-8 after getting the land measured informed the father of the petitioner to construct house as the same belongs to him.

With this aforesaid direction, the writ petition stands disposed of.

(Prabhat Kumar Jha, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.10.2018
Transmission Date	NA

