

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.30 of 2018

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Khajanchi Paswan, son of Jatai Paswan, Resident of Village- Madhubani, Post Office- Madhubani, Police Station- Chiraiya, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Rular Development Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran.
5. The Deputy Collector Land Reforms, Sikarhana, Dhaka, East Champaran.
6. The Sub Divisional Officer, Sikarharna Dhaka, East Champaran.
7. The Block Development Officer, Chiraiya Block, East Champaran.
8. The Circle Officer, Chiraiya Block, East Champaran.
9. The Officer-in- Charge, Chiraiya Police Station, East Champaran.
10. The Mukhiya, Gram Panchayat Raj Madhubani, Chiraiya Police Station, East Champaran.
11. Sri Lal Babu Singh, son of Ram Surat Singh, Resident of Village- Madhubani, P.S.- Chiraiya, District- East Champaran.

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Raj Kishore Roy, GP18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 26-10-2018

Heard Mr. Anil Kumar, learned Counsel for the petitioner
and Mr. Raj Kishore Roy, learned GP-18, for the State.

The grievance raised by the petitioner in this application is
that although a plot bearing Khata No. 167, Khesra No. 2670/1,
Khesra No. 2693/1 and Khesra No. 1273/1 situated in Mauza
Madhubani, total 1 acre was settled with the petitioner in a Parcha



issued in the year 1988-89 but the respondent no. 10 i.e. the Mukhiya, Gram Panchayat Raj, Madhubani, Chiraiya in the District of East Champaran in collusion with respondent no. 11 are interfering with the possession of the petitioner over the plot in question and in which process Earth has been cut there from.

Mr. Anil Kumar, learned Counsel for the petitioner very fairly has invited the attention of this Court to the statement made in paragraph 5 of the writ petition in which it is stated that on a complaint made by the petitioner before the DCLR under the provisions of the Bihar Land Dispute Resolution Act, 2009 that a proceeding has been initiated bearing no. 02/2016-17 (Khjanchi Paswan vrs. Lal Babu Singh & Ors.) and in which respondent no. 11 has appeared and also filed his reply.

The complaint of the petitioner is that because the issue remains pending before the DCLR, Sikarhana, in the District of East Champaran that he was constrained to move this Court through the present writ petition because the illegal act of respondent nos. 10 and 11 has not stopped.

Mr. Suman Kumar Singh appears for respondent nos. 10 and 11 to support the act but since the matter is already pending before the DCLR in Case No. 02/2016-17, we would refrain from expressing any opinion at this stage rather would dispose of this writ



petition with a direction to respondent no. 5, the Deputy Collector, Land Reforms, Sikarhana, Dhaka in the District of East Champaran to consider and dispose of Case No. 02/2016-17 in accordance with law and after due opportunity of hearing to the parties and since the matter is pending consideration for last two years, he would dispose of the same expeditiously and preferably within six months of the receipt/production of a copy of this order.

This disposes of the writ petition.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/ Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2018
Transmission Date	NA

