

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3295 of 2019

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Jaigun Nisa, Wife of Md. Elfan, Resident of Village- Pichra, Baluper, P.S.-
Barsoi, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector cum District Magistrate, Katihar,
2. The Sub Divisional Officer, Barsoi Sub Division, District- Katihar
3. The Additional Collector, Land Reforms, Katihar
4. The Circle Officer, Barsoi Circle, District- Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad
For the Respondent/s	:	Mr. Rishi Raj Sinha (Sc19)
		Mr. Akhilesh Kumar Sinha, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-02-2019 Heard learned Counsel for the parties concerned.

The petitioner is seeking quashing of communication, dated 16.07.2018, issued vide memo no. 1664, by the Circle Officer, Barsoi, Katihar, which is addressed to the Sub Divisional Officer, Barsoi, Katihar.

The main grievance of the petitioner with the impugned communication is that the Circle Officer, Barsoi, has restrained making of any construction over the land, in question, keeping in view the demand of the people of Barsoi and law and order situation.

It is the petitioner's case that she has title and possession over the land, in question. It is being argued that the



Circle Officer, Barsoi, does not have any jurisdiction to issue restrained order, as he has done, which is indicated in the impugned communication.

Upon perusal of the impugned communication, I find that the Circle Officer, Barsoi, while informing the Sub Divisional Officer, Barsoi, in respect of the nature of dispute in connection with the land, in question, described as Khata No. 572, Khesra No. 1055, admeasuring 0.41 decimals, has sought direction in this regard.

It has been argued on behalf of the petitioner that there is no proceeding pending before any revenue authority.

Be that as it may, I dispose of this writ application with a direction to the Sub Divisional Officer, Barsoi, to take a final decision in the background of the report submitted by the Circle Officer, Barsoi, after giving the petitioner an opportunity of hearing.

The Sub Divisional Officer, Barsoi, will be obliged to consider whether any power is vested in the Circle Officer of passing the nature of restrain order which he has passed, and proceed accordingly.

Any decision by the Sub Divisional Officer, Barsoi, must be taken within a period of four weeks from the date of



receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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