

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15111 of 2018

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Beni Madhav Kanu @ Benimadhav Shah Son of Late Shiv Poojan Kanu
Resident of Village Shahpur, Post Office Police Station - Shahpur, District -
Bhojpur.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate cum Collector, Bhojpur, Ara.
3. The Addl. District Magistrate, Bhojpur, Ara.
4. The Sub-Divisional Officer, Bhojpur, Ara.
5. The DCLR, Bhojpur, Ara.
6. The Circle Officer, Shahpur, District Bhojpur.
7. The Station House Officer, Shahpur Police Station, District Bhojpur.
8. Narendra Kumar Singh @ Madan Singh
9. Satendra Kumar Singh
10. Collector Singh 8,9, & 10 are S/o Late Shankar Dayal Singh
11. Ganesh Prasad Singh S/o Late Ramdev Singh 8 to 11 are R/o Shahpur, P.O.
P.S. Shahpur, District - Bhojpur.

... .. Respondents

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Appearance :

(In Civil Writ Jurisdiction Case No. 15111 of 2018)

For the Petitioner : Mr.Gopal Govind Mishra
For the Respondent State: Mr.W.A.Khan, AC to SC-25
For the Respondent Nos. 8-10 : Mr. Shatendra Kumar Singh
Mr. Pushpendra Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 02-07-2019 The dispute relates to Plot bearing Khata No. 331,

Khesra No. 6258, admeasuring 5.71 decimals and Khata No.

1521, Khesra No.6257, admeasuring 8.21 decimals in Mauza

Shahpur.

A communication dated 16.02.2018 addressed to the

Circle Officer, Bhojpur has been challenged in the present writ



application, though the said document has been described as an order passed by the Circle Officer, which it is not.

It is the case of the petitioner that steps, which are not authorized, are being taken for handing over possession of the land in favour of the private respondent No.11, which is in possession of the petitioner. It is the petitioner's case that on the strength of an order passed by the Deputy Collector Land Reforms in a Bihar Land Dispute Redressal proceeding, which came to be subsequently set aside by the appellate authority, the petitioner has been dispossessed from the land in question.

It seems that a title suit was filed in respect of the land in question by the petitioner's brother, which has been dismissed by learned Munsif, Jagdishpur, against which title appeal is pending. The question whether the petitioner was in possession or not is a question of fact, which cannot be adjudicated upon in the present proceeding under Article 226 of the Constitution of India.

This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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