

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6566 of 2019

Jagdish Singh, Son of Late Ramdhari Singh R/o Village- Bedhani, P.S. Deo, District- Aurangabad, Bihar, At present - resident of village- Sudi Bigha, P.S.- deo, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Divisional Commissioner Magadh Division, Gaya.
4. The Collector, Aurangabad, Bihar.
5. The Deputy Collector Land Reforms, Aurangabad, Bihar.
6. The Circle Officer Deo Block, District- Aurangabad, Bihar.
7. Rajendra Singh Son of Late Dhupan Singh Resident of Village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
8. Sukhendra Prasad Singh Son of Late Dhupan Singh Resident of Village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
9. Krishna Kumar Singh Son of Late Dhupan Singh Resident of Village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
10. Gupteshwar Singh Son of Late Dhupan Singh Resident of Village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
11. Ram Pravesh Singh S/o Late Janki Singh Resident of Village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
12. Suresh Singh S/o Late Janki Singh Resident of Village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
13. Dinesh Singh S/o Late Ram Briksh Singh Resident of village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
14. Dhananjay Singh S/o Late Ram Briksh Singh Resident of village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
15. Jairam Singh S/o Late Rajdeo Singh Resident of village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
16. Puranjay Singh Son of Late Ram Naresh Singh Resident of village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
17. Anjay Singh Son of Late Ram Naresh Singh Resident of village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
18. Mantu Singh Son of Late Ram Naresh Singh Resident of village- Sudi Bigha, P.S.- Deo, District- Aurangabad, Bihar.
19. Sunil Gupta S/o Jag Mohan Sao Resident of village- Ketaki, P.S.- Deo, District- Aurangabad, Bihar.
20. Sanjay Mistry S/o Kishor Mistry Resident of village- Malahara, P.S.- Deo,



- District- Aurangabad, Bihar. Presently residing at Deo Kataki Raw, P.S.-
Deo, District- Aurangabad, Bihar.
21. Arvind Chaurasiya S/o Siya Ram Chaurasiya Resident of village- Bhattu
Bigha, P.S.- Deo, District- Aurangabad, Bihar. presently residing of Cement
Chowk Deo, P.S. Deo, District- Aurangabad, Bihar.
22. Mithilesh Prasad S/o Late Mohan Sao Resident of village- Khadiha, P.S.-
Deo, District- Aurangabad, Bihar. Presently residing of Deo Ketaki More,
P.S. Deo, District- Aurangabad, Bihar.
23. Tribhuwan Singh S/o Shiv Ratan Singh Resident of village- Khadiha, P.S.-
Deo, District- Aurangabad, Bihar.
24. Dinesh Singh S/o Gopal Singh Resident of village- Paraiya, P.S.- Deo,
District- Aurangabad, Bihar.
25. Ranjeet Singh S/o Late Ram Naresh Singh Resident of village- Paroriya,
P.S.- Deo, District- Aurangabad, Bihar.
26. Ram Pravesh Singh S/o Late Girja Singh, Resident of village- Belama,
Dumri, P.S.- Deo, District- Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh Mr. Amarendra Kumar Singh Mr. Manish Kumar Singh Mr. Ranvijay N. Singh
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC 19) Ms. Archana Prasad, AC to SC 19

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-04-2019 Heard learned counsel for the parties.

The petitioner is aggrieved by an order, dated
07.06.2018, passed by the Deputy Collector Land Reforms,
Aurangabad in Land Dispute Redressal Case No. 38 of 2017-18,
whereby his land appertaining to *khata* no. 113, plot no. 1276,
ad-measuring 54 decimal, ordered to be demarcated.

It has been asserted in the writ application that the
petitioner has availed statutory remedy by filing an appeal



against the impugned order before the Commissioner, Magadh Division, Gaya, giving rise to Bihar Land Dispute Resolution Appeal No. 124 of 2018. The said appeal, which was filed on 27.07.2018, is still pending and has not been taken up even once for hearing.

My attention is being drawn to Annexure- 4 of the application, which is a notice issued by the Circle Officer, Deo, whereby he has proceeded to measure and demarcate the land, in question, in compliance of the order of the Deputy Collector Land Reforms, Aurangabad, during the pendency of the petitioner's appeal before the Commissioner, Magadh Division, Gaya.

This is the background, in which Mr. Singh, learned counsel, appearing on behalf of the petitioner, has argued that on the one hand, the Commissioner, Magadh Division, Gaya, is not taking up the petitioner's appeal against the order of the Deputy Collector Land Reforms, Aurangabad, the Circle Officer, on the other hand, has proceeded to implement the order of the Deputy Collector Land Reforms. If the order of the Deputy Collector Land Reforms is implemented by the Circle Officer, the entire purpose of preferring appeal before the Commissioner shall stands frustrated, he contends.



Be that as it may, as the petitioner has filed his appeal, let him pursue the same before the Commissioner, Magadh Division, Gaya. The Commissioner, Magadh Division, Gaya, is directed to proceed for disposal of petitioner's appeal and consider any application filed or to be filed on behalf of the petitioner for stay of the order of the Deputy Collector Land Reforms, Aurangabad. In the meanwhile, it is directed that the Circle Officer, Deo, will not proceed in the matter, without seeking leave of the Commissioner, Magadh Division, Gaya, where the petitioner's appeal is pending.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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