

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.645 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Punit Kumar Srivastava S/o Late Prem Shankar Lal, resident of village-
Amarpura, Panchayat- Belodi and P.S.- Mohaniya, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of the Govt. of Bihar
2. The Principal Secretary, Panchayati Raj Bibhag, Bihar, Patna.
3. The Collector, District- Kaimur.
4. The Additional Collector, Kaimur.
5. The Superintendent of Police, Kaimur.
6. The Sub-Divisional Police Officer, Mohaniya.
7. The Sub-Divisional Officer, Kaimur.
8. The present in Charge of Police Station, Mohaniya.
9. The Deputy Collector Land Reforms, Kaimur.
10. The Circle Office, Mohaniya, Kaimur.
11. The Block Development Officer, Kaimur.

Respondent 1 set

12. The then Mukhiya Shiv Parsan Singh, S/o Late Ramsakal Singh, a resident of Village- Belauri, Panchayat- Belodi and P.S.- Mohaniya, Distt- Kaimur.
13. The then Mukhiya Smt. Shiv Kumari Devi, W/o Shiv Parsan Singh (respondent no-10), a resident of village- Belauri, Panchayat- Belauri and P.S.- Mohaniya, Distt- Kaimur.
14. Madan Gopal Gupta, S/o Jagdama Gupta, resident of village- Kauriram, P.S.- Mohaniya, District- Kaimur.
15. Deobrat Tiwari, S/o Ramnath Tiwari, resident of village- Amarpura, P.S.- Mohaniya, District- Kaimur.

... .. Respondent 2 set

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-08-2019

No one appears for the petitioner.

2. Learned counsel for the State is present.



3. Perused the pleadings in the writ petition.

4. The reliefs prayed for in paragraph 1 of the writ petition are as under:-

1. That by this writ petition, the petitioner prays for the following relief/reliefs:-

(i) For issuance of writ of certiorari for setting aside the letter No.iii-233-2015-2876/law dt. 12.10.2015 and letter No.vii-24-16-1557 dt. 31.08.2016 issued by the respondent collector and Additional Collector accordingly by which the Collector has falsified the settlement of the land in question of the petitioner as well as the then respondents for which letter No.xxv-09-16/961 dt. 03.09.2016 was issued and the Additional Collector had directed to the Sub Divisional Officer to pass an order by considering the opinion given by the Advocate prosecutor.

(ii) For issuance of writ of Mandamus for direction to finish the respondents for filing wrong affidavit in C.W.J.C. No.14539 of 2015.

(iii) For issuance of other appropriate writ for direction to remove the encroachment in light of order



25.04.2016 passed in above mentioned C.W.J.C. No.14539 of 2015 by inquiring as fresh regarding the encroached places of the said Panchayat.

(iv) For issuance of other direction to the respondents not to take any step arbitrary and maliciously against the petitioner.

(v) For issuance of any appropriate writ for direction to any other agency to reinvestigate the entire matters of the petitioner.

(vi) For issuance of any other relief/reliefs for which the petitioner is entitled in the eye of law.

5. On perusal of the writ petition, I find that the issues raised are concerned with the settlement of land in dispute and the encroachment made over it. Under the Rules of Executive Business, 1997 (as amended from time to time), subject matter of settlement of land comes under functional jurisdiction of Land Reforms and Revenue Department at Government level, but none of the authorities of the Land Reforms and Revenue Department have been impleaded as party respondent in the writ petition. I also find that several



disputed questions of fact have been pleaded in the writ petition, which cannot be adjudicated without leading evidence in an appropriate proceeding. Accordingly, I am not inclined to entertain this application under Article 226 of the Constitution of India.

6. The writ petition is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
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