

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1829 of 2020

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Ramesh Kumar, aged about 46 years, Male, Son of Late Akhileshwar Prasad Singh, Resident of Village- Barhauna, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform, Bihar, Patna.
2. The Collector, Nalanda.
3. The D.C.L.R., Hilsa, Nalanda.
4. The Circle Officer, Hilsa, Nalanda.
5. Most. Vidya Devi, W/o Late Yogendra Shukla,
6. Satyanand,
7. Nityanand, sons of Late Yogendra Shukla,
8. Most. Madhuri Sinha, W/o Late Krityanand, all resident of Village- Asta, P.S.-Tharthari, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Respondent/s : Mr. Raj Kishore Roy, GP 18

Ms. Surekha Kumari, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-02-2020

Heard learned counsel for the petitioner and learned
GP 18 for the State.

2. The petitioner has moved the Court for the
following reliefs:

“(i) For issuance of appropriate writ, order or direction specially in the nature of “certiorari” for quashing the order dated 01.08.2019 vide Memo No.903 passed by (Anchal Adkhikari) Circle Officer, Chandi, Anchal, Nalanda, whereby direction has been given to measure the suit land, situated in Mauza Barhauna Thana No.284 with the help



of police force in the light of District Confidential Branch, Nalanda, vide letter No.2055/GO dated 25.03.2019.

- (ii) For issuance of appropriate writ, order or direction specially in the nature of mandamus commanding the respondents authorities not to interfere with the peaceful possession of petitioner over suit land during pendency of Jamabandi Cancellation Case No.15/2014 pending before District Magistrate, Nalanda and also First Appeal No. 131/82 pending before Hon'ble Patna High Court.*
- (iii) For issuance of appropriate writ, order or direction to which the petitioner may be found entitled in the facts and circumstances of this case."*

3. The grievance of the petitioner is basically against the order directing for measurement of the land in question.

4. From the notice itself and the pleadings, the Court finds that twelve persons have been noticed for such measurement.

5. In the considered opinion of the Court, there cannot be any objection to any person if the State authorities come to measure the land in his possession which obviously would be on the basis of the official documents/records, which may be available with the parties concerned. Thus, for measurement of the land, the challenge to the notice cannot be sustained. Moreover, the Court has been informed that the proceeding is pending before the Collector, Nalanda, in Jamabandi Cancellation Appeal No.15 of 2014. It was also submitted that



with regard to the land in question, First Appeal No.131 of 1982 is also pending.

6. Having regard to the aforesaid, the Court does not find any ground to interfere in the order impugned as the petitioner already has remedy, both before the Collector, Nalanda, as well as in the First Appeal before this Court. Thus, he is required to take appropriate steps in the pending proceeding(s), but challenge to an order for measurement of land in presence of the parties in a fresh writ does not warrant interference.

7. Accordingly, the writ petition stands disposed off with the aforementioned observation.

(Ahsanuddin Amanullah, J)

J. Alam/-

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