

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.625 of 2020

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Sheikh Mohammad Tahir @ Md. Tahir, aged about 79 years, male, son of Sheikh Mohammad Farmood resident of Village- Param Basant, P.S. Tariyani, District Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Sheohar.
4. The D.C.L.R., Sheohar.
5. The Circle Officer, Belsand, Sitamarhi.
6. Rahmat Ali son of Tajimul Haque resident of Param Basant, P.S. Tariyani, District Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the State : Mr. Mukul Prasad, A C to GP 18

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-01-2020

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

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

"i. A writ in the nature of certiorari or any other appropriate writ/order or direction for quashing of order dated 8.1.2019 passed in Basgit Parcha Appeal No. 13/2012 passed by the Collector, Sheohar, whereby and where under appeal filed by the respondent no. 6 was remanded to the Circle Officer after setting aside the order dated 12.2.1975 passed in Basgit Parcha Case No. 5/73-74 by the Circle Officer, Belsand.

ii. A writ in the nature of mandamus or any other appropriate writ/order or direction upholding the order dated 12.2.1975 passed in Basgit Parcha Case No. 5/73-74 by the Circle Officer, Belsand, whereby and where under Basgit Parcha was issued in favour of the



petitioner of Khata No. 185, Plot No. 725 and 726, area 10 decimals situated in Village Param Basant, Thana+ Anchal Tariyani, District Sheohar.

iii. Any other appropriate writ/order or direction which your lordships may deem fit and proper."

3. After some arguments, learned counsel for the petitioner submitted that in view of the ultimate direction in the order impugned dated 08.01.2019 to the Circle Officer to go for fresh enquiry at his level and then pass order in accordance with law, the writ petition be disposed off with liberty to the petitioner to place all materials available with him before the Circle Officer during the said enquiry.

4. Learned counsel for the State does not object.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid.

6. It goes without saying that in terms of the remand order, the Circle Officer shall be obliged to thoroughly enquire into the matter and give opportunity of hearing to the petitioner. He shall also be obliged to consider all materials which may be brought before him by the petitioner in support of his case.

(Ahsanuddin Amanullah, J)

Anjani/-

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