

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6386 of 2020

=====

Mithilesh Kumar Sah Son of Late Pratap Narayan Sah, Resident of Village-Teliyari, P.O.-Jabe, P.S.-Bhawanipur, District-Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Purnea Pramandal, Purnea.
3. The District Magistrate, Purnea.
4. The Deputy Collector Land Reforms, Dhamdaha, Purnea.
5. The Superintendent of Police, Purnea.
6. Sub-Divisional Officer, Dhamdaha, Purnea.
7. The Circle Officer, Bhawanipur, Purnea.
8. Officer in charge, Bhawanipur, Purnea.
9. Mostt. Zameela Khatton, Wife of Late Ayub, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
10. Md. Naushad Nadaf, Son of Late Ayub, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
11. Mostt. Bilaiya Devi, wife of Late Mahendra Rishideo, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
12. Mostt. Tajo Khatoon, Wife of Late Azeem Nadaf, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
13. Md. Rahul, Son of Late Azeem Nadaf, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
14. Md. Jiwaraeel, Son of Late Azeem Nadaf, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
15. Md. Siba, Son of Late Azeem Nadaf, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
16. Anguri Khatoon, Daughter of Late Azeem Nadaf, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
17. Begum Khatoon, Daughter of Late Azeem Nadaf through her mother Mostt. Tajo Khatoon, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
18. Md. Nikaeel, Son of Late Azeem Nadaf through his mother Mostt. Tajo Khatoon, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
19. Md. Kesar, Son of Late Azeem Nadaf through his mother Mostt. Tajo Khatoon, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
20. Kari Khatoon, Daughter of Late Azeem Nadaf through her mother Mostt. Tajo Khatoon, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.



21. Md. Kudo, Son of Late Azeem Nadaf through his mother Mostt. Tajo Khatoon, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
22. Md. Ramjani, Son of Late Azeem Nadaf through his mother Mostt. Tajo Khatoon, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.
23. Nageshwar Sah @ Mehta, Son of Bhoolan Mehta @ Bholan Mehta @ Makhan Lal Sah, Resident of Village-Kushaha, P.O.-Kushaha, P.S.-Bhawanipur, District-Purnea.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Prabhakar Kumar, Advocate
For the State : Mr. Arif Dula Siddiqui, AC to SC-25

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 26-11-2021

Heard learned counsel for the petitioner and learned counsel for the State through video conference.

2. The present writ petition has been filed *“for a direction to the respondent authorities to execute the order dated 11.03.2016 passed by the Divisional Commissioner, Purnea in Land Dispute Appeal No. 94 of 2014 to remove encroachments from the petitioner’s 48 decimals land appertaining to Mauza- Bhawanipur, Khata No. 1645 Khesra No. 1147 and restore possession of the aforesaid land to the petitioner.”*

3. Learned counsel for the petitioner makes a short submission to support the prayer in the writ petition, to the effect that by order dated 11.03.2016, the petitioner’s appeal was allowed by the Divisional Commissioner, Purnea in Land Dispute Appeal No. 94 of 2014 (Annexure-5), *inter alia*, directing the measurement of the disputed land to be taken at 48 decimals in place of 18 decimals. However, effect to the said order is not being given by the Circle



Officer, Bhawanipur, Purnea despite direction in this regard by the D.C.L.R., Dhamdaha, Purnea on the representation of the petitioner (Annexure-8).

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of, granting liberty to the petitioner to file a fresh representation before the Circle Officer, Bhawanipur, Purnea for redressal of his grievances. If any such representation is filed within a period of two weeks hereof, the same shall be considered and disposed of on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner expeditiously and in any event preferably within a further period of eight weeks thereafter.

(Vikash Jain, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.12.2021
Transmission Date	N.A.

