

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9318 of 2021

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Uday Shankar S/o Late Nand Kishore Prasad R/o Pali Road, Dehri-on-Sone,
Rohtas, Bihar- 821307.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reform Dept., Govt. of Bihar, Patna.
2. The Joint Secretary, Revenue and Land Reform Dept., Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Rohtas, Sasaram.
4. The Additional Collector, Rohtas, Sasaram.
5. The Sub-Divisional Officer, Dehri, Rohtas.
6. The Deputy Collector, Rohtas, Sasaram.
7. The Chief Engineer, Water Resources Department, Dehri, Rohtas.
8. The Executive Engineer, Dehri Division, Dehri, Irrigation Department.
9. The Circle Officer, Dehri Anchal, Rohtas.
10. The Deputy Collector Land Reforms-cum-Khas Mahal Officer, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aryan Sinha, Adv.
For the Respondent/s : Mr.Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-09-2022 The present writ petition has been filed seeking the following reliefs:-

(A) A writ in the nature of Certiorari or any other appropriate writ/s, order/s, directions/s quashing the following:

(i) The show-cause notice dated 22.01.2021 issued by the Respondent No. 10 i.e. the Deputy Collector Land Reforms-cum-Khas Mahal Officer, Rohtas (hereinafter referred as 'impugned show-cause') whereby Respondent



No. 10 has issued a notice to the petitioner alleging that he has encroached the land pertaining to Khata No. 227, Khesra No. 1771, Mauza– Dehri having an area of 17 decimal situated at Anicut Road, Dehri-on-Sone.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s for the following reliefs:

(v) To direct the Respondent Authorities concerned to renew the Lease hold land pertaining to Khata No. 227, Khesra No. 1771, Mauza-Dehri having an area of 17 decimal situated at Anicut Road, Dehri-on-Sone in favour of Petitioner.

(vi) To direct the Respondent Authorities concerned to collect the malguzari rent and issue receipt for the period of 2007-2021 of the Lease hold land pertaining to Khata No. 227, Khesra No. 1771, Mauza-Dehri having an area of 17 decimal situated at Anicut Road, Dehri-on-Sone in favour of Petitioner.

(vii) To restrain the Respondent Authorities from giving effect to the show-cause notice dated 22.01.2021 issued by the Respondent No. 10 i.e. the Deputy Collector Land Reforms-cum-Khas Mahal Officer, Rohtas till the disposal of the instant case.

(viii) To direct the Respondent Authorities to maintain status-quo on the Lease hold land pertaining to Khata No. 227, Khesra No. 1771,



Mauza-Dehri having an area of 17 decimal situated at Anicut Road, Dehri-on-Sone till disposal of the instant case.”

As far as the notice dated 22.01.2021, annexed as Annexure- 30 at Page No. 144 of the writ petition, issued by the Khasmahal Officer, Rohtas, is concerned, it is submitted by the learned counsel for the petitioner that the petitioner has already filed his objection/ show cause reply dated 03.02.2021, which is at Annexure- 32 to the present writ petition, hence it is prayed that the Khasmahal Officer be directed to consider the same and pass appropriate orders in accordance with law. It is directed accordingly.

Now, coming to the other issue i.e. with regard to renewal of the lease of the Khasmahal land in question, which at the moment stands transferred in the name of the petitioner, it is prayed that the Respondent Authorities be directed to consider the case of the petitioner for renewal of same in terms of the law laid down by this Court in various cases, more particularly the one at Annexure 26 to the present writ petition i.e. the judgment passed by a Co-ordinate Bench of this Court dated 08.10.2015, in C.W.J.C No. 19325 of 2013 (**Khas Mahal Citizen Welfare Society vs. The State of Bihar and Others**). It is directed



accordingly.

It is needless to state that till the Khas Mahal Officer takes a final decision on the reply submitted by the petitioner in pursuance to the notice dated 22.01.2021, issued by it, status-quo existing as on today qua the land/ houses of the petitioner in question shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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