

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.141 of 2021

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Kumar Rahul @ Rahul Kumar Son of Lakshmi Narayan Tiwary, Resident of Mohall-Chandmari, P.S.-Motihari Town, District-East Champaran, at Present R/o Mohalla-Nirala Nagar, Goshala Road, P.S.-Town, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner Cum I.G. Registration, Govt. of Bihar, Patna.
3. The Collector Cum District Magistrate, East Champaran, Motihari.
4. The Sub Registrar, East Champaran, Motihari
5. The Additional Collector, East Champaran, Motihari
6. The Circle Officer, Harsidhi, East Champaran, Motihari

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 08-08-2022 Heard the parties.

The petitioner has made the following prayer:

“That the Petitioner seeks indulgence of this Hon'ble Court for the following relief/reliefs:-

A. A Writ in the nature of Mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents for the following:-

I. To Release the Raiyati land of the Petitioner bearing Khata No. 84, Khesara No. 769, Area 7.95 Decimal, Situated at Village – Bankat, Thana No. 194, District – East Champaran, from the restriction / block list considering the fact that at Sl. No. 39 of the Restriction List disclosed the restricted Khata No. 54 which belongs to Hanuman Sugar Mill, Motihari, although the land of the petitioner having Khata no. 84 and is a raiyati land.

II. To direct the Respondent No. 4, the Sub Registrar, Motihari, East Champaran, to register the sale deed presented before him considering the fact that the land bearing Khata No. 84, Khasra No. 769, Area 7.95 Decimal is the



purchased land of the petitioner which is a raiyati land and free from any encumbrance and not any way related with the land of Hanuman Sugar Mill, Motihari, East Champaran and has illegally been put in restriction list.

B. To any other relief/ reliefs to which the Petitioner for and the Hon'ble Court deems fit and proper. ”

The State has filed the counter affidavit sworn by the District Magistrate, East Champaran, Motihari.

The paragraph 5 and 6 of the counter affidavit reads as follows:

“5. That the District Committee constituted to verify and recommend in the matter of restrict of the plots. The District Committee verified the reports relating to restriction in respect of plot no. 769 Khata No.84 situated under Mauza Bankat Anchal Motihari, District East Champaran in its meeting dated 04.08.2022 and resolved to unlock the plot concerned for tis (sic) registration.

6. That the petitioner has been asked vide Letter No.1777 dated 04.08.2022 to complete other formalities for registration of the deed in respect of plot concerned and get the same registered. The grievance of the petitioner has been redressed.”

In view of the statement made in the counter affidavit, this application is disposed of.

(Sandeep Kumar, J)

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