

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1587 of 2023

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Ranjeet Kumar, son of Late Mahant Prasad @ Late Mahanth Sah, resident of Village- Narkatia Police Station Darpa, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran (Motihari) Cum 2nd Appellate Authority Public Grievance Redressal.
2. The Additional Collector, East Champaran (Motihari) Cum 1st Appellate Authority Public Grievance Redressal.
3. The Sub- Divisional Officer, Raxoul, East Champaran (Motihari) cum Sub-Divisional Public Grievance Redressal Officer, Raxoul, East Champaran (Motihari).
4. The Circle Officer, Banjaria within the District of East Champaran (Motihari).
5. Vishwakant Prasad son of Shree Ramdeo Prasad resident of Village- Narkatia Police Station Darpa, District- East Champaran (Motihari).
6. Rajesh Kumar son of Praduman Prasad resident of Village- Narkatia Police Station Darpa, District- East Champaran (Motihari).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 05-09-2023

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

2. The present writ petition has been filed for quashing the order dated 08.03.2022, passed by respondent No.4, namely, the Circle Officer, Banjaria passed in Measurement Case No.01/2021-22 by which measurement work has been stopped till disposal of the case. The petitioner has



further prayed for quashing of the order dated 17.05.2022, passed by respondent No.3, namely, the Sub-Divisional Officer, East Champaran (Motihari) by which the petitioner's prayer for measurement of the land has been rejected; quashing of the order dated 30.06.2022, passed by respondent No.2, the Additional Collector, East Champaran (Motihari) and quashing of the order dated 06.10.2022, passed by respondent No.1, namely, the Collector, East Champaran (Motihari). The petitioner has also prayed for a direction to the respondent authorities to measure the land in question which has been allowed in Title (Partition) Suit No.251 of 1995 by the Court of Sub-Judge-VIII, East Champaran (Motihari) which was decided vide judgment and order dated 30.08.2003.

3. Learned counsel for the State submits that on the basis of Partition Suit No. 251/1987/1995/2002, the land of the petitioner was measured constituting a team of three Amins. As such, the grievance of the petitioner has been redressed. A photocopy of the measurement report has been annexed as Annexure -A to the counter affidavit by which it transpires that the proceeding of Measurement Case No. 01 of 2021-22 has been completed and, thereafter, the case has been dropped.

4. Learned counsel for respondent No.6 submits that



he has annexed annexure-B in his counter affidavit by which it transpires that measurement has already been taken place and demarcation by fixing stakes at the said place has also been made. He further submits that an application for measurement has again been filed by the petitioner’s side and following the same, the measurement took place second time. Even then, suppressing those facts that measurement on the request of the petitioner took place twice, the present writ petition has been filed.

5. In this view of the matter, it transpires to this Court that the petitioner is in the habit of creating litigation and as such, this Court is not inclined to interfere.

6. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06/09/2023
Transmission Date	NA

