

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2231 of 2023

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Shailesh Kumar Suman Son of Shambhu Prasad Chaurasia Resident of
Village- Sirsiya Bazar, P.S.- Bela, Anchal- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Sitamarhi.
3. The Sub. Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
4. The Land Reforms Deputy Collector (L.R.D.C.), Sitamarhi Sadar, District- Sitamarhi.
5. The Circle Officer, Parihar, District- Sitamarhi.
6. The S.H.O., Bela P.S., District- Sitamarhi.
7. Bajrangi Prasad Chaurasia, Son of Late Rasbihari Raut Resident of Village- Sirsiya Bazar, P.S.- Bela, Anchal- Parihar, District- Sitamarhi.
8. Shivjee Chaudhary Son of Late Ramchhabila Chaudhary Resident of Village- Sirsiya Bazar, P.S.- Bela, Anchal- Parihar, District- Sitamarhi.
9. Purushottam Chaurasia Son of Late Laxshmi Chaurasia Resident of Village- Sirsiya Bazar, P.S.- Bela, Anchal- Parihar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the instant application for the
following relief(s).

“That this is an application for issuance
of writ, order or direction particularly in the nature
of Mandamus, directing the respondent authorities
specially to respondent no.4 & 5 to provide Dakhal
Dehani (possession) of the land pertaining to Khata



No. 1514, Khesra No. 4521, area 2 decimals, which was settled and issued Parcha in the name of petitioner vide Land Settlement Case No. 13/94-95 and on that basis, after payment of rent to the State, he got rent receipt, and also affirmed the peaceful possession of the petitioner by the S.D.O., Sitamarhi Sadar in Case No. 943/20 vide order dated 15.02.2021 after restraining the private respondent no. 7 & 9, who disturbed the physical possession of the petitioner and forcefully constructing the building over the petitioner's aforesaid land; And/Or pass any other and further order/orders as Your Lordships may deem fit and proper during course of hearing of the case.”

Learned counsel for the petitioner submits that the land in question which is the subject matter of the writ application was settled in favour of the petitioners who were landless person under the Bihar Tenancy Act. Subsequently the private respondents started to disturb the possession of the petitioner. Similar attempts were made by the private respondents from time to time which would also be evident from the order dated 15.2.2021 passed in Case no. 943/2020 (Bajrangi Prasad Chaurasia v. Shailendra Kumar Suman) in a proceeding under section 144 Cr.P.C by the Sub-Divisional Officer, Sitamarhi, Sadar. Learned counsel submits that in the



said proceedings under section 144 Cr.P.C, in an order passed as recently as in February, 2021, the same was decided in favour of this petitioner and against the private respondent no. 7.

After some argument, learned counsel for the petitioner seeks permission to withdraw this application to move an appropriate application under the Bihar Land Dispute Resolution Act, 2009.

This application is disposed of as withdrawn with the aforesaid liberty.

At this stage learned counsel for the petitioner submits that the private respondents are disturbing the possession of the petitioner and as such the urgency in the matter.

It is directed that if any application for interim order is filed by the petitioner in the application filed before the Authority under the aforesaid Act, the same shall be considered without any delay within a period of three weeks from today. Further, till the case is taken up by the Authority under the Bihar Land Dispute Resolution Act, 2009 or for a period of three weeks from today, whichever is earlier, status quo shall be maintained.

(Partha Sarthy, J)

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