

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4805 of 2020

Shyama Devi Daughter of Late Dwarka Prasad Mandal, Wife of Jaynarayan Mandal, Resident of Village- Tikapatti, Ward- 18, Dhusar Tikapatti, P.s.- Tikapatti, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Collector-cum-District Magistrate, Katihar
4. The Additional District Magistrate, Katihar
5. The Deputy Collector Land Revenue, Katihar
6. The Superintendent of Police, Katihar
7. The Sub Divisional Magistrate, Katihar
8. The Circle Officer, Sameli, District- Katihar
9. The Station House Officer, Falka (Pothia), District- Katihar
10. The Principal, District Institute of Education and Training (D.I.E.T.), Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghvendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Dhurjati Kr. Prasad (GP-14)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 20-07-2023

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

2. The present writ petition has been filed for directing the respondent No.10 not to interfere with the peaceful possession of the piece of land inherited and possessed by the petitioner and, further, for a direction upon the State respondents to safeguard and protect the Constitutional Right of the petitioner.

3. Counsel for the petitioner submits that the land

situated in Mauja- Chandpur, Thana No. 270, Khata No. 649, Khesra No.- 4333-4334, total area measuring 1 Acre 13 Decimal and another land of Mauja- Chandpur, Thana No.- 270, Khata No. 4331-4332, total area measuring 1 Acre 12 Decimal were recorded in the name of petitioner's father who died on 23.11.1986 and after his death, they came into the possession of the said land.

4. Counsel for the petitioner further submits that respondent No.10 is a training institution, namely, District Institute of Education and Training (D.I.E.T.), Tikapatti (Katihar) in whose name, the ancestor of the petitioner and other co-villagers have donated 6 Acre 29 Decimal of land. Counsel submits that the *raiyati* land of the petitioner is being disturbed continuously by respondent No.10. He submits that the said land belongs to petitioner and there are different records by which he is showing that it is his land.

5. Counsel for the respondent has filed counter-affidavit as well as supplementary counter-affidavit in which it has been submitted that the land in question has been claimed by the Training Centre, Tikapatti and the report of the Circle Officer, Sameli, Katihar which has been prepared upon perusal of Register-2 as well as upon the spot verification indicates that

in the registered column by red pen ‘training center, Tikapatti’ for the land in question has been written. It has also come that the name of the petitioner is there and along with his name by red pen the name of training center, Tikapatti has also been entered.

6. Upon hearing the argument of both the parties, it transpires that it is a disputed question of facts which cannot be decided by this Court and, therefore, petitioner is directed to file his representation before the Collector, Katihar who upon going through the documents produced by both the parties as well as after verifying the actual physical possession and also after taking evidence in summary proceeding shall decide this matter within 4 months from the date of representation filed by petitioner.

7. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2023
Transmission Date	NA