

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4329 of 2020

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Navin Kumar Tiwary @ Piyush Kumar Tiwary S/o- Pramod Kumar Tiwary
R/o Mohalla- Ujjain Tola, Bettiah, P.O. and P.S.- Bettiah, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Bettiah, District West Champaran.
2. The Collector, Bettiah, District West Champaran.
3. The Additional District Magistrate, Bettiah, District West Champaran.
4. The Manager, Bettiah Estate under Court of wards, Bettiah Raj Compound
at P.O. and P.S.- Bettiah, District West Champaran.
5. The Circle Officer, Bettiah, District West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the State : Mr. Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioners and the

State.

2. This writ application has been filed for quashing
notice dated 18.01.2020, issued by District Collector Bettiah, in
Case No. RM-13/2019-20, with further prayer for the issuance
of an appropriate writ or direction upon respondents and not to
disturb the peaceful possession of petitioner.

3. It is submitted on behalf of the petitioner that the
petitioner has a pucca residential house over plot No. 224 (P)
measuring 10 dhur by the laghi of 8 ½ cubits, which is the
purchased land of the petitioner from the original raiyat through



a registered sale deed dated January 15, 1941. After the vesting of the estate, the Zamanbandi was registered by the Anchal for the total area of 1 katha 10 dhur on the basis of the return submitted by Bettiah Raj, and the Zamabandi No. 703 continued in the name of the ancestor of the petitioner, and the estate continued to realize rent regarding the same. It is further submitted that estate encroachment case No. 03/1995-96 regarding the said land in question was dropped. A title suit No. 137 of 1998 was also filed, and the said land title suit was decreed in favor of this petitioner. The State of Bihar, being dissatisfied, challenged the judgment dated September 27, 2003, before the District Judge Bettiah in First Appeal No. 02 of 2004, which was dismissed, and thereafter, Second Appeal No. 68 of 2010 was preferred by the State before the Hon'ble High Court, and the same was also dismissed on November 22, 2010. With a view to harass the petitioner, the present case has been filed in which impugned notices have been issued to this petitioner.

4. Per contra, Counsel for the State submits that this petitioner has appeared before the concerned authorities in response to the notice and has taken several adjournments for filing a reply, as a result of which the case is still pending before the concerned authorities. He next submits that this writ petition



is not maintainable against aforesaid notice and as such is fit to be dismissed.

5. Taking into consideration the rival submissions of the parties and materials available on record, this Court finds substance in the submission of learned counsel for the state. Ordinarily, a writ petition does not lie against the show cause notice for the reason that it does not give rise to any cause of action. It does not amount to an adverse order which affects the rights of any party. Unless the same has been issued by a person having no jurisdiction/competence to do so. In the present case, no such ground has been taken by the petitioner. It is settled law that a writ lies when some right of a party has been infringed. Mere issuance of notice, does not infringe the rights of the party. It is only when a final order adversely affecting a party is passed, it may have a grievance and a cause of action.

6. In the result and for the foregoing reasons, this writ petition stands accordingly, dismissed.

(Prabhat Kumar Singh, J)

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