

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8676 of 2021

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Shri Janki Food Grains Private Limited through its Director Ashish Kumar,
Male, aged about 43 years, Son of Arun Kumar, resident of Village and Post-
Nokha, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Revenue and Land Reforms through its Principal Secretary.
3. The Principal Secretary, the Department of Revenue and Land Reforms, Bihar.
4. The Department of Industry through its Principal Secretary.
5. The Principal Secretary Department of Industry, Bihar.
6. The Commissioner, Patna.
7. The District Magistrate, Kaimur.
8. The Deputy Collector Land Reforms, Bhabhua, Kaimur.
9. The Block Development Officer. X
10. The Circle Officer, Kudra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok, Advocate

For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-11-2023 Heard the parties.

2. This application has been filed for directing the respondent authorities to issue the Land Receipt of Mauza- Pandpokhari/ 670, Khata No.1666, Plot No.1744 (Area 3.0 Acre), Plot No.1774 (Area 0.18 Acre), Plot No.1775 (Area 0.16 Acre), Plot No.1777 (Area 0.25 Acre), Plot No.1786 (Area 0.02 Acre), Plot No.1789 Area (Area 0.18½ Acre).

3. It is submitted on behalf of the petitioner that the



lands in question have been purchased by registered sale deeds from their immediate holders and thereafter all the lands were mutated in the name of the petitioner and since then land receipts (rent) have also been issued and the petitioner enjoyed complete possession over the said lands. After getting all types of NOCs from different departments, petitioner established a rice mill on the said lands. Thereafter, petitioner opposed the Circle Officer for conversion of the agricultural land into non-agricultural land and the concerned authorities after thorough verification granted permission to establish the rice mill over the lands in question. All of a sudden, to utter surprise to the petitioner, the concerned authorities blatantly refused to issue the land receipt in his name and issued show cause notice vide Memo No. 19 dated 02.01.2021. Again, on 28.01.2021, Circle Office, Kudra vide Letter No. 184 asked the petitioner to appear and furnish the evidence before the Circle Officer, Kudra with all the related documents of the lands in question. When the Circle Officer, Kudra refused to issue land receipt in the name of the petitioner, petitioner had no option but to move before the court of Deputy Collector Land Reforms praying therein for issuance of receipt. But even after passing of more than four months, the DCLR, Bhabua is sitting tight over the matter.



4. On the other hand, learned counsel for the State opposes the prayer made on behalf of the petitioner and submits that the present writ application is not maintainable in view of the fact that petitioner should appear before the Circle Officer, Kudra in pursuance to the notice issued to him. He next submits that petitioner challenging the show cause notice by itself is not maintainable.

5. Having heard the submissions of the parties and also having perused the materials available on record.

6. Ordinarily, a writ application does not lie against a 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 right of any party unless the same has been issued by a person having no jurisdiction/competence to do so. A writ lies when some right of a party is infringed. A mere issuance of show cause/notice does not infringe the right of the party. It is only when a final order adversely affecting a party is passed, it may have a grievance and cause of action.

7. In view of the aforesaid facts and circumstances of the case, this writ application is dismissed with liberty to the petitioner to appear before the Circle Officer, Kudra in



pursuance to the notice issued by him.

8. In the result and foregoing reasons, this writ application stands dismissed.

(Prabhat Kumar Singh, J)

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