

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5453 of 2023

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Ram Binod Mandal Son of Late Laxmi Mandal, Resident of Village and Post-Dhanauli, P.S.-Baheri, Dist-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Collector, Darbhanga.
3. The Circle Officer, Baheri, Dist-Darbhangha.
4. The Additional Collector, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Singh, Adv.
For the Respondent/s : Mr. Akhileshwar Singh, AC to GA-2.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present Writ Petition has been filed for quashing of the Letter No.39 dated 07.01.2023 issued by Circle Officer, Baheri, District Darbhanga to Additional Collector, Darbhanga to hand over the land of petitioner of Khata No.1426, Plot No.5121, Thana No.34 situated at Mauza Dhanauli, Anchal Baheri, District Darbhanga.

3. Learned counsel for the petitioner submits that the said land was continuing prior to revisional survey in the name of maternal grand-father of the petitioner. He further submits that in the revisional survey it was recorded in the name of



“Anawad Bihar Sarkar”. He also submits that for correction in the revisional survey entry, petitioner has filed Title Suit No.555 of 2022 which is pending before the Court of Sub Judge, Darbhanga in which Circle Officer, Bahedi, District Darbhanga is also party. Learned counsel submits that notices were issued twice to the Circle Officer, Bahedi, District Darbhanga but he is not appearing in the said case and the land appertaining Revenue Thana No.34, Khata No.1426, Khesra No.5121 new, area 1 acre 39 decimal is the subject matter of the said title suit. On this ground, he wants to quash the Letter No.39 dated 07.01.2023.

4. Learned counsel for the State raised objection and submits that presently the land is going on in the name of “Anawad Bihar Sarkar” and till disposal of the Title Suit No.555 of 2022, the said Letter No.39 dated 07.01.2023 may not be quashed.

5. In the light of the submissions made above, it appears to this Court that for the land in dispute there is a title suit pending bearing Title Suit No.555 of 2022 and presently the land is recorded in the name of “Anawad Bihar Sarkar”. Therefore, at this stage it shall not be appropriate for this Court to interfere in this matter.



6. Accordingly, the present Writ Petition stands disposed off with liberty to the petitioner that he may avail remedy in the Title Suit No.555 of 2022 itself.

(Dr. Anshuman, J.)

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