

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16527 of 2015

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Kamleshwari Prasad Yadav S/o Dahu Prasad Yadav, R/v- Guriya, P.S.- Jadiya,
Distt- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Land Reforms Department, Bihar, Patna
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Supaul.
5. The Additional District Magistrate, ADM, Supaul.
6. The D.C.L.R, Triveniganj, Supaul.
7. The Sub- Divisional Officer, Triveniganj, Distt- Supaul.
8. The Circle Officer, Triveniganj, Distt- Supaul.
9. The Chairman, Bihar, Bhudan Yagya Committee, Patna.
10. The Office Mantri, District Bhudan Yagya Committee, Supaul.
11. Rajendra Yadav S/o Late Chhedi Yadav, R/o Supaul, Guriya, P.S.- Jadiya,
Distt- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Mr. Ajay Kumar Rastogi, AAG-10
For the B.Y.C.	:	Ms. Alka Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 29-08-2023

Heard learned counsel for the petitioner, learned
counsel for the Bhudan Yagna Committee and learned counsel
for the State.

2. The present writ petition has been filed for

quashing of notice dated 29.08.2015 issued by Circle Officer, Triveniganj in Dakhil Kharij Case No. 6 of 2015-16.

3. Learned counsel for the petitioner submits that in the year 2021 another notice dated 03.03.2021 has been issued to him and therefore, the petitioner has filed I.A. No. 1 of 2021 with request to add the prayer to quash the notice dated 03.03.2021 issued by Circle Officer, Triveniganj.

4. Learned counsel for the State has no objection in allowing the I.A. No. 1 of 2021.

5. As such, this I.A. No. 1 of 2021 is hereby allowed.

6. After allowing the I.A. petition, there are two prayer apparent in the writ petition and both are for quashing the notices dated 29.08.2015 and 03.03.2021 by which the Circle Officer, Triveniganj has directed the petitioner to appear in the proceeding filed by the private respondent regarding the lands in question about which the private respondents have alleged that those lands have been granted to them through Bhudan Yagna Committee, Supaul.

7. Counsel for the petitioner submits that the lands in question is the raiyati land of the petitioner for which he is in possession since date of purchase and continuously paying the

rent to the Government of Bihar. Counsel also submits that there is a case decided by this Hon'ble Court namely, **Khiru Gope vs. The D.C.L.R., Jamui** reported in **1983 PLJR 727** in which direction has been made that running jamabandi cannot be cancelled by the Circle Officer.

8. Learned counsel for the State on the other hand submits that by the said notice, no adverse order has been passed against the petitioner till date rather opportunity has been granted to the petitioner to defend his case showing the documents relating to the lands in question. State also submits that any final order shall always be passed upon granting opportunity of both the parties.

9. Learned counsel for Bhudan Yagna Committee submits that presently there is no reliefs sought for by the petitioner at present against the Bihar Bhudan Yagna Committee.

10. In this background, this Court disposed of this writ petition directing the petitioner to appear before Circle Officer, Triveniganj within four weeks with all his documents relating to the lands mentioned in the notices and Circle Officer, Triveniganj shall pass further order upon considering all the documents as well as the ratio laid down in the said case

mentioned above. The final order shall be speaking and reasoned.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.09.2023
Transmission Date	N.A.