

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6208 of 2023

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Kamlesh Jha Son of Shashi Nath Jha @ Shesh Nath Jha, Resident of Village-
Kalapatti, P.S.- Phulparas, District- Madhubani, Presently- Purana Jutmil
Geat, Daharia, P.S.- Town Katihar, District- Katihar, Bihar- 854103.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate/Collector, Madhubani.
4. The Deputy Collector, Collectorate, Madhubani.
5. The Sub- Divisional Officer, Phulparas, District- Madhubani.
6. The Circle Officer, Phulparas, District- Madhubani.
7. Raushan Kumar Jha, Son of Alok Narayan Jha Resident of Village-
Kalapatti, P.S.- Phulparas, District- Madhubani.
8. Deepak Kumar Jha, Resident of Village- Kalapatti, P.S.- Phulparas, District-
Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav
For the Respondent/s : Mr.Rishi Raj Sinha (Sc 19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-09-2023

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

2. The present writ petition has been filed for
quashing of the Memo No.133 dated 28.01.2023 passed by
Circle Officer, Phulparas, District Madhubani by which
direction has been given for measurement of land in question on
31.01.2023.

3. Learned counsel for the petitioner submits that



the petitioner is residing at present in District Katihar whereas on the application filed by respondent no.7, the said measurement notice was issued and in the absence of petitioner his land was measured in connivance with the Revenue Officials. In this view of the matter the Memo No.133 dated 28.01.2023 (Annexure-2) and its further proceeding of measurement on the basis of said notice may be directed to be quashed.

4. Learned counsel for the State submits that from the representation filed by the petitioner which is annexed as Annexure-3, it transpires that the measurement has already been completed. He further submits that the notice of measurement have been issued to all concerned and as per the information received by him, the measurement has already been completed.

5. In the light of the submissions made on behalf of petitioner and the State and as per the law, the power of measurement of land has been vested in the Anchal Adhikari under Section 23 of the Rule framed under Tenancy Rule under B.T. Act. It is also clear from the said rule that any person aggrieved by the measurement of the land by the Amin as per the order of Anchal Adhikari may file an appeal against the measurement of the land or measurement report before the



Deputy Collector, Land Reforms within 30 working days from the date of measurement under Rule 23 (3) of Tenancy Rule under Bihar Tenancy Act, 1885 (Act 8 of 1885).

6. In this view of the matter, the present writ petition stands disposed off directing the petitioner to avail the remedy of appeal under Rule 23 (3) of the Tenancy Rule under B.T. Act.

7. It transpires to this Court that 30 days has already been passed, in this view of the matter it is directed to the Appellate Authority that upon filing the appeal within 30 days from today, the delay if any is hereby directed to be condoned.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/09/2023
Transmission Date	NA

