

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13722 of 2023

Nilam Devi Wife of Ashok Kumar, Resident of ward no. 12. New Area
Piparpati P.S- Kotwali District, Gaya and presently residing at Kumhrar road
near dhanki pump house, Patna- 800026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The D.C.L.R., Patna City.
3. The Executive Engineer, Gulzarbagh Road Construction Department, Patna City.
4. The Circle Officer, Patna Sadar.
5. Police Inspector cum S.H.O., Agamkuan Thana, Patna.
6. Assistant Superintendent of Police, Patna City.
7. Deputy Collector, Revenue, Patna Sadar, Patna.
8. Secretary to Commissioner, Patna Division, Patna.
9. Collector, Land Reforms, Patna.
10. Sub Divisional Officer, Patna Sadar, Patna City.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anuranjan Patel
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-10-2023 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of order(s)/ direction(s) or writ(s) in nature of Mandamus directing to establish the ownership of the petitioner who purchased the land (Khata No. 850, Plot No. 2207, Tauzi No. 303) situated at dhanki More, Police



Station, Agam Kuan, Sandalpur, Patna from said Smt. Mahmood Fatma vide sale deed no. 13173 dated 07/12/2021 where the absolute/ perfect ownership and possession of Smt. Rashida Khatoon regarding the said land was established by Hon'ble Patna High Court vide its order dated 06/08/2014 passed in CWJC No. 5859 of 2014. And/or

(ii). For issuance of order(s)/ direction(s) or writ(s) in nature of Mandamus to quash the further proceedings of the Circle Officer, Patna Sadar (Encroachment Case No. 10/2023-24) which was initiated suo-moto by the said circle officer by which the ownership-cum-possession of the petitioner regarding Khata No. 850, Plot No. 2207, Tauzi No. 303 was put in question by declaring the said land as Gairmajarua-Aam and not as Raiyati Land and also trying to the said land belongs Road Construction Department. And/or

(iii). To further issue a writ of Mandamus and may kindly quash order dated 10/08/2022 passed in Mutation Appeal Case No. 16/2022-23 passed by learned D.C.L.R., Patna City whereby and whereunder the mutation appeal filed by the petitioner has been rejected. And/or

(iv). For issuance order(s)/ direction(s) or writ(s) in nature of Prohibition by which the respondent authorities may be prohibited from disturbing the petitioner in future regarding the ownership-cum-possession of the land in question, followed by



issuance of writ of certiorari for reinstatement of the petitioner upon the said land in question and also to compensate her against the damage caused to her because of the respondents.

(v). To issue a Writ in nature of Mandamus for quashing the notice "Bajaria Notice" dated 15/07/2023 issued vide Memo No. 5051 dated 28/06/2023 under the signature of the respondent no. 5 in Atikraman Waad (Encroachment petition) No. 10/2023-2024.

(vi). To issue a writ in nature of Mandamus for quashing the order date 28/06/2023 passed by Circle Officer, Patna Sadar as respondent no. 5.

(vii). For issuance of a direction to stop the vandalizing of under construction building of the petitioner.

(viii). For issuance of direction to start the proceedings Mutation Revision Case No. 2 of 2022-23 which is pending in the court of Additional Collector till now.”

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file her objections before the Circle Officer, Patna Sadar, in response to the notice dated 28.6.2023, issued in connection with Encroachment Case No. 10 of 2023-24. Liberty, so sought, is granted.



3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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