

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6585 of 2018

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Md. Jahangir Alias Md. Jahangir Alam Son of Md. Yasin Resident of
Mohalla-Falka Bazar, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate cum Collector, Katihar.
3. The Deputy Ciollector Land Reforms, Karihar.
4. The Additional Collector, Katihar-Cum District Public Grievance Officer.
5. The Sub-Divisional Public Grievance Officer, Palkha
6. The Anchal Adhikari, Falka, Katihar.
7. The Anchal Amin, Falka Anchal, Katihar.
8. Md. Hasan
9. Md. Kamal
10. Md. Iqbal
11. Md. Afzal
12. Md. Munna
13. Md. Khushhnaz Serial no. 7 to 9 are Sons of Md. Habib Serial no. 10 to 13
are Son of Md. Hassan All are Resident of Village-Palkha Bazar, P.S. Phalka
District -Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Qaisar Hasan, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha-SC19
		Mr. Birendra Prasad Singh, A.C. to S.C.19

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-05-2023 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for the
following reliefs:

*“a) A writ in the nature of mandamus or any
other writ, order or orders directing the*



respondents to comply the order dated 04-01-2015 passed in Land Dispute Case No. 170/2014-15 by the Deputy Collector Land Reforms (DCLR), Katihar, whereby and where under the Anchal Adhikari (Respondent no. 6) was directed to make measurement and demarcation of the petitioners' land and confirm the possession of the petitioner over the land which had been acquired by the petitioner's father through Basgit Purcha (Under the Bihar Privileged Persons Homestead Tenancy Act, 1947).

b) A writ in the nature of mandamus or any other writ, order or orders directing the respondent no 6 to comply the order passed by the Sub Divisional Public Grievance Officer (respondent no5) on 18-07-2016

c) A writ in the nature of mandamus or any other writ, order or orders direction to which the petitioner is entitled.”

3. The case of the petitioner in brief is that pursuant to having been settled the land in question under Basgit Purcha under the Bihar Privileged Persons Homestead Tenancy Act, 1947 and the petitioner having filed Land Dispute Case no.170/2014-15 wherein the DCLR, Katihar passed order dated 4.1.2015 (Annexure-4) directing the Circle Officer, Falka, Katihar (respondent no.6) to carry out the measurements of the



land in question, the same has not been done thus forcing the petitioner to file the instant writ application.

4. Learned counsel for the petitioner referring to the said order dated 4.1.2015 (Annexure-4) of the DCLR, Katihar submits that from perusal of the same it would transpire that notices were issued to the respondent (respondent no.8 herein), they appeared, however they did not file any reply.

5. Accordingly the order dated 4.1.2015 was passed directing the Circle Officer to carry out the measurement.

6. The DCLR in the order further observed that in case the respondent (respondent no.8 herein) were in any manner aggrieved by the issuance of the Basgit Purcha they could file the appeal before the Collector.

7. Learned counsel for the petitioner submits that as per instructions, the said order dated 4.1.2015 of the DCLR has neither been challenged nor modified or reversed by any superior authority or Court.

7. Having heard learned counsel for the parties and taking into consideration the nature of averments made in the writ application and the submissions made, this writ application is disposed of directing the Circle Officer, Falka, Katihar (respondent no.6) to proceed in accordance with law and carry



out the directions contained in order dated 4.1.2015 (Annexure-4) passed in Land Dispute Case no.170/2014-15 by the DCLR, Katihar, within a period of four months subject to the said order not having been modified/reversed by any superior authority/Court.

8. This writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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