

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15421 of 2023

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Syed Akabir Hussain Son of Late Shakir Hussain Resident of Hussain Khan Sarai, P.O.- Sambhal, P.S.- Sambhal, District- Muradabad (U.P.), at present resident of 4/1322-BI, New S.S. Nagar, Aligarh, Barha Khurd, District- Aligarh (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar at Patna.
2. The District Magistrate-cum- Collector, Patna, District- Patna.
3. The Additional Collector, Patna, District- Patna.
4. Circle Officer, Patna Sadar, District- Patna.
5. Officer-in-Charge, Kotwali, P.S.- Kotwali, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kishore Verma
For the Respondent/s	:	Mr. Rishi Raj Sinha (Sc19)
		Manoj Kumar Sinha, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioner and the State.

2. This writ petition has been filed for the following reliefs:-

(I) This writ application has ben filed for quashing the letter no. 3017 dated 21.07.2020 issued by the Circle Officer, Patna Sadar to the Officer-in-Charge, Kotwali, Patna by which a direction was given that some land grabbers are trying to encroach upon the land situated at Mauja - Muharrampur, Thana No. 137, Ward No. 2, M.S.P No. 649 (part); on the



ground that the said land in question is not Rizwan Palace and the plot of Rizwan Palace is situated in Mauja Muharrampur, Thana No. 137, Ward No. 2. MSP No. 121. Sheet No. 20, also on the ground that all revenue authorities have submitted a detailed report in which the land of the petitioner in question has been found to be totally different from Rizwan Palace (Annexure-P/23).

II. This writ application has been filed for quashing the letter no. 3285 dated 16.08.2020 issued by the Circle Officer to the present petitioner in relation to stopping of the work, encroaching upon the land situated in Mauja - Muharrampur, Thana No. 137, Ward No. 2, Sheet No. 19, MSP No. 649, area 61 decimal; on the ground that the land in question is situated having no area of Rizwan Palace and both are different lands and there is a finding given by revenue authorities (Annexure-P/29) to the present writ application .

III. This writ application has been filed in the nature of Mandamus for a direction to the District Magistrate, Patna to decide the representation (Annexure-P/30) filed by the petitioner dated 01.10.2022 by which the petitioner has represented to act in accordance with the law in relation to the property situated at Mauza - Muharrampur, Circle No. 6, Ward



No. 2(old), Thana No 137, Municipal Survey Plot No. 649.
Sheet No. 19. Mohalla Jamal Road, Police Station - Kotwali,
Area-0.610 Kari (61 decimal).

IV. This writ application has been filed in the nature of Mandamus for a direction to the Circle Officer, Patna Sadar to act in accordance with law in the light of the direction passed by the Collector, Patna dated 10.08.2022 (Annexure - P/28) in relation to the representation of the petitioner, on the ground that the same is pending since long.

V. That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authorities not to obstruct regarding ownership right with regard to the property situated at Mauza - Muharrampur, Circle No. 6, Ward No. 2(old), Thana No. 4 137, Municipal Survey Plot No. 649, Sheet No. 19, Mohalla - Jamal Road, Police Station- Kotwali, Area-0.610 Kari (61 decimal) in the grab of order passed in M.J.C. No. 1348 of 2007 dated 14.02.2012.

3 . After some argument, learned counsel for the petitioner request to give direction to the respondent No. 2 (The District Magistrate-cum- Collector, Patna, District- Patna) to dispose of the application dated 01.10.2022 vide annexure- P/30 to this writ petition which was filed by this petitioner (Syed



Akabir Hussain) .

4. In view of the limited prayer made on behalf of the petitioner, this writ petition is disposed of with a direction to the respondent No. 2 (The District Magistrate-cum- Collector, Patna, District- Patna) to dispose of the application i.e., annexure– P/30 to this writ petition which was filed by the petitioner, in accordance with law after hearing all the parties preferably within a further period of six months from the date of receipt/production of the order.

(Prabhat Kumar Singh, J)

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