

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18039 of 2022**

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Vishwanath Prasad S/o Dipnarayan Prasad Resident of Village- Ward No. 12  
Bada Baudha, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Bihar Revenue and Land Reform Department at Patna.
2. The Collector, District East Champaran at Motihari.
3. The Deputy Collector of Land Reform Sadar (Motihari), East Champaran at Motihari.
4. The Circle Officer, Sugauli, District East Champaran.
5. The Superintendent of Police, District East Champaran at Motihari.
6. Uma Devi W/o Binod Paswan Resident of Village- Bara Budha, Ward No.- 12, P.O.- Sugawan, P.S. and Anchal- Sugauli, District- East Champaran.
7. Ramashish Mahato S/o Late Kodai Mahto Resident of Village- Chhota Baudha, P.O.- Sugawan, P.S.- Anchal- Sugauli, District- East Champaran.
8. Chhabila Bhagat S/o Late Paras Bhagat Resident of Village- Chhota Baudha, P.O.- Sugawan, P.S.- Anchal- Sugauli, District- East Champaran.
9. Lal Bahadur Bhagat S/o Late Bhagwan Bhagat Resident of Village- Chhota Baudha, P.O.- Sugawan, P.S.- Anchal- Sugauli, District- East Champaran.
10. Sudama Bhagat S/o Late Paras Bhagat Resident of Village- Chhota Baudha, P.O.- Sugawan, P.S.- Anchal- Sugauli, District- East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rahul Singh, Advocate  
For the Respondent/s : Mr. Sajid Salim Khan (SC 25)

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      07-04-2023                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner has filed the instant application for the  
following reliefs:-

*“(i) For setting aside order dated*

*01.09.2022 passed in Case No. 27/2022-23 by*



*Deputy Collector, Land Reform Sadar Motihari  
whereby and where under Circle Officer as well as  
Station House Officer, Sugauli was directed to  
assure the possession of private respondent on  
land bearing Khata No. 240 Plot no. 1335/2 area  
40 decimal.*

*(ii) For setting aside notice dated  
23.09.2022 passed in Dakhaldahani Case No.  
04/2022-23 passed by Circle Officer, Sugauli, East  
Champanan whereby and where under petitioner  
was directed to vacate land bearing khata no. 240  
plot no. 1335/2 area 40 decimal by 30.09.2022.”*

It is the case of the petitioner that pursuant to the order dated 1.9.2022 passed in Case no. 27 of 2022-23 by the Deputy Collector Land Reforms, Sadar, Motihari, the respondent authorities are taking steps to dispossess the petitioner. It is submitted that the petitioner has preferred an appeal bearing Case no. 234 of 2022 against the aforesaid order before the Commissioner, Tirhut Division, Muzaffarpur which is pending. However as the office of the Commissioner, Tirhut Division was vacant, he was forced to file the instant writ application apprehending disturbance in his possession. Learned



counsel fairly submits that the Commissioner, Tirhut Division has been posted.

In view of the facts of the case, the petitioner having preferred Appeal no. 234 of 2022 against the order dated 1.9.2022 and the same being pending before the Commissioner, Tirhut Division, Muzaffarpur, the instant application is disposed of with the following directions:-

(I) The petitioner shall appear before the Commissioner, Tirhut Division, Muzaffarpur where his Appeal no. 234 of 2022 has been preferred and shall pursue the same praying therein for any interim order etc.

(II) The petitioner shall appear before the Commissioner, Tirhut Division, Muzaffarpur on or before 25.4.2023. Till 1.5.2023 or till any order is passed by the learned Commissioner, Tirhut Division, Muzaffarpur in Appeal no. 234 of 2022, whichever is earlier, status quo with respect to the land of the petitioner, which is the subject matter of the instant application, shall be maintained.

**(Partha Sarthy, J)**

Spd/-

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