

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2764 of 2017

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Baidyanath Rajak Son of Late Duryodhan Rajak, resident of Village- Lakhi Tola, P.O.- Durgapur, P.S.- Amdabad, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector-cum-District Magistrate, Katihar.
2. The Sub Divisional Officer, Katihar.
3. The Deputy Collector of Land Reforms, Manihari, Katihar.
4. The Superintendent of Police, Katihar.
5. The Circle Officer, Amdabad, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr.Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 20-08-2024

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

2. Following relief(s) have been prayed for in paragraph No. 1 of the present writ application:

“1. That this is the writ petition being filed before this Hon’ble High Court on behalf of the aforesaid petitioner for issuance of a writ in the nature of ‘Mandamus’ commanding and directing the state respondents to start a legal proceedings for mutation and zamabandi and thereafter issue rent receipts in favour of the petitioner with regard to his Khatiyani lands appertaining to Khata No. 427, corresponding to Khesra No. 284, 761, 762, 763, 1116, 1210, 454, 455, 456, 781, 782, 825, 1549, Thana No. 357 Tauzi No. 990, measuring total area of lands 10 Acres 12



decimals falling within Mauza Durgapur, P.S.- Amdabad, District-Katihar. And the further prayer of the petitioner is to command and direct the state respondents to make delivery of the physical possession of the aforesaid land in favour of the petitioner.”

3. Learned counsel for the petitioner submits that the land in question appertains to Khata No. 427, corresponding to Khesra No. 284, 761, 762, 763, 1116, 1210, 454, 455, 456, 781, 782, 825, 1549, Thana No. 357 Tauzi No. 990, measuring total area of lands 10 Acres 12 decimals falling within Mauza Durgapur, P.S.- Amdabad, District-Katihar. Learned counsel for the petitioner further submits that the petitioner made a representation before Respondent No. 3 (D.C.L.R., Mahihari, Katihar) on which Bihar Land Dispute Case No. 123/12-13 was instituted and direction was given to the Circle Officer, Amdabad, District- Katihar (Respondent No. 3) to proceed into the aforesaid matter in accordance with law and submit a report. Learned counsel for the petitioner lastly submits that till date no order has been passed by Respondent No. 5 on the direction of Respondent No. 3. As such, learned counsel for petitioner prays that the Respondent No. 5 be directed to comply with the direction given by Respondent No. 3 in Bihar Land Dispute Case No. 123/12-13.



4. A counter affidavit has been filed on behalf of respondent Nos. 1 to 3 and 5 but in view of prayer made by the petitioner for a direction upon respondent No. 5 to comply with the direction issued by Respondent No. 3 in Bihar Land Dispute Case No. 123/12-13, learned counsel for the State does not object disposal of the present application.

4. Considering the aforesaid facts and circumstances, the Circle Officer, Amdabad, District- Katihar (Respondent No. 5) is directed to comply with the direction of D.C.L.R., Manihari, Katihar (Respondent No. 3) passed in Bihar Land Dispute Case No. 123/12-13 in accordance with law after giving opportunities of hearing to the parties within a period of two months from the date of receipt/production of a copy of this order.

5. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Pankaj/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.08.2024
Transmission Date	N/A

