

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1902 of 2024

Md Amir Hussain Alias Sheikh Amir Hussain Son of Md. Idris Ali Resident of Village- Rahmatpur Nagar, P.O.- Dagarua Hat, P.S.- Dagarua, District- Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar through Commissioner, Purnia.
2. The Commissioner, Purnia.
3. The Director of Consolidation, Bihar, Patna.
4. The Deputy Director of Consolidation, Purnia.
5. The Consolidation Authority, Purnia.
6. The Collector, Purnia.
7. The Sub Divisional Officer, Sub-Division Bayasi, Purnia.
8. The D.C.L.R. Purnia.
9. The Circle Officer Circle Dagarua, District- Purnia.
10. Md. Nayim Son of Nazam Ansari Resident of Village and P.O. and P.S.- Dagarua, District- Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Neeraj, Advocate Mr. Aditya Narayan Singh, Advocate
For the Respondent/s	:	Mr. Government Advocate (9)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2024 Heard Mr. Aditya Narayan Singh, learned counsel for
the petitioner and the State.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*“A. For quashing the Memo No.2133
dated 01.09.2023 in Demarcation Case
No.75/2022-23, issued under signature of
respondent no.9 by which measurement of R.S.
Plot No.531, R.S. Khesara No. 166 situated*



under Mauza- Mahthaur on the application of one Md. Nayim son of Nazam Ansari (Resp. No. 10), ignoring the facts that the land of the said plot has been given to one Dr. Masud Alam son of Md. Aahiya through publication of Chak Khatian on 01.07.1995 and the said plot has become the part and partial of Chak Khata No.336 and also for quashing the entire consequential order passed in the said case.

B. For issuance of appropriate direction to the respondent authority to act in pursuance to final publication of Chak Khatian in 1995, as the possession of the land cover under the said Khatian was given on 31.03.1988 and closure report of consolidation proceeding has been sent on 16.03.2013, since the Raiyat /petitioner after taking possession of the land on the basis of Chak Khatian, are dealing the land on the basis of Chak Khatian.

C. For issuance of a writ/rule or direction to the respondents authorities to grant the rent receipt by) creating the Jamabandi in pursuance to Chak Khata and Khesara, which was provided to the land owner/petitioner, since the possession of the land cover under the Chak Khata and Khesara was delivered on 31.03.1988, by issuing certificate of transfer, after confirmation of consolidation proceeding on 31.03.1987 as well as closure report under Section 26 (A) of the Act of consolidation proceeding was send on 16.03.2013, since the petitioner has made a dwelling house upon the



land on the basis of possession provided under Chak Khesara.

D. For restraining the respondents for not making any demarcation of the land situated under Mauza- Mahthaur, Mahmadiya and Kanauli situated under Block- Dagrua, District- Purnia on the basis of Revisional Khatiyan, and if any measurement is required should be on the basis of Chak Khatiyan, since the petitioner has made the construction upon the land on the basis of Chak Khatiyan.

E. For grant the relief/reliefs for which the petitioner is found entitled.”

3. From the perusal of the document on record would show that the office of the Circle Officer, Dagarua, Purnia merely issued the letter/memo no. 1910 dated 09.08.2023 by which, both petitioner as also the respondent No. 10 were asked to appear alongwith their relevant documents so that the case relating to their land dispute could be heard and taken to its logical conclusion.

4. Learned State counsel submits that notice has been issued and the parties should appear before the concerned Court alongwith all the relevant documents so that he/she can take the matter to its logical conclusion.

5. Learned counsel for the petitioner submits that all the documents have been submitted but the matter has still not



been taken up and disposed of.

6. In view of the limited prayed made by the learned counsel for the petitioner, the petition stands disposed of with a direction to the respondent no. 9, the Circle Officer, Dagarua, Purnia to immediately take up the matter and after hearing both the sides (the petitioner as also the respondent no. 10, Md. Nayim/any other concerned parties), disposed it of, if still not disposed of, within a period of four months from the date the copy of the order is provided to its office.

7. The petitioner is free to bring on record all the documents in support of his case.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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