

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10170 of 2017

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Sri Ravi Shankar Tiwari Son of Late Raghubans Tiwari, Resident of Village
Block P.S.- Siswan, P.O.- Gangpur Siswan, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar.
2. The Dy. Secretary of Government of Bihar, Department of Revenue.
3. The District Magistrate, Siwan.
4. The Dy. Collector Land Reforms, Siwan Sadar, District- Siwan.
5. The Circle Officer, Siwan, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Respondent/s : Mr.S.C. Yadav- Gp15

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL JUDGMENT

Date : 19-08-2024

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:

*“(i) To issue a writ in the nature of
mandamus to direct the respondents to
examine and test the legality of the creation
of Jamabandi of the various piece of lands
by way of proper proceeding to find out the
real and actual title holder of the lands
referred in the representations submitted
before Learned D.M., D.C.L.R. & C.O. of
Town and District- Siwan which are
Annexure-1, 2 &3 hereof, on the earliest
possible day within the time frame and in
furtherence thereof be pleased to direct to*



create Jamabandi; issue Land Possession Certificate and issue revenue receipt in favour of the petitioner in accordance with law.

Further to direct to hold and declare that by virtue of evidence set out in the representation those land are ancestral property of petitioner and petitioner is the actual and real title holder of those lands and accordingly petitioner is the Raiyat of the State. Thus creation of Jamabandi; issuance of revenue receipt and L.P.C. are liable to be issued in favour of petitioner.

Further grant any other reliefs for which petitioner is entitled to have.”

3. Learned counsel for the petitioner submits that the petitioner has filed a representation dated 15.06.2013 before the D.C.L.R. and representation dated 22.06.2015 before District Magistrate, Siwan for taking action against the doubtful creation of Jamabandi of many piece of lands which are ancestral property of the petitioner. Learned counsel for the petitioner submits that in view of the representations made by the petitioner, the Joint Director, Agriculture issued direction contained in Memo No. 136 dated 02.03.2016 (Annexure-4) to the District Magistrate, Siwan to act in accordance with law. Further vide letter contained in Memo No. 111 dated 24.02.2016 (Annexure-5), the Deputy Secretary-cum-Public Grievance Redressal Officer of the Department of Law wrote to the District Magistrate, Siwan for taking necessary action in the



matter. Learned counsel for the petitioner submits that till date no compliance of the directions issued vide Annexures- 4 and 5 has been made by the Respondent No. 3 and the representation dated 22.06.2015 is still pending before him. Learned counsel for the petitioner lastly prays that the representation dated 22.06.2015 pending before the District Magistrate, Siwan be disposed of within a time frame.

4. A counter affidavit has been filed on behalf of Respondent Nos. 3 to 5. However, in view of the prayer made on behalf of the petitioner for disposal of the representation dated 22.06.2015 pending before District Magistrate, Siwan (Respondent No. 3) within a time frame, learned counsel for the State does not object to the prayer made on behalf of the petitioner.

5. Considering the aforesaid facts and circumstances, the District Magistrate, Siwan (Respondent No. 3) is directed to dispose of the representation dated 22.06.2015 (Annexure-2) in accordance with law after perusing the documents filed on behalf of the petitioner with a reasoned and speaking order within a period of ten weeks 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

