

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2204 of 2023

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Dilip Kumar Mishra

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Mr. Mukul Pd. SC to GP-18
		Mr. Sanjay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-03-2024 Heard learned counsel for the petitioner and the State.

2. The present writ application has been preferred for the following relief:

“(i) For issuance of writ in the nature of command restraining the respondents from forcefully taking possession over the land of petitioners in Tauzi No.9058, Mauza Poariya, Thana No. 192, C.S Khata No. 156. C.S Plot No. 188, R.S Khata No. 249, R.S Plot No. 136 Area 4 Acre 90 decimals which is purchased land of petitioners through different registered sale deeds.

(ii) For commanding the respondents to first initiate a land acquisition



proceeding with respect to land in question under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation, Resettlement Act. 2013 and pay compensation in accordance with law then only take possession over the land in question or make any construction over the same.

(iii) For issuance of writ in the nature of certiorari for quashing the letter no. 12, dated 10.01.2023 issued under the signature of Deputy General Manager, Bihar State Building Construction Corporation Lt. in favour of respondent 2nd set for construction of 720 bedded residential +2 school for schedule caste students at Mauza Poaria, Thana No. 192, C.S Khata No. 156. C.S Plot No. 188, R.S Khata No. 249, R.S Plot No. 136 area 4 Acre 90 decimals.

(iv) For any other writ/writs, order/orders for which petitioner deemed



entitled to.”

3. Earlier on 21.02.2024, learned State counsel submitted that a supplementary counter-affidavit has been filed on 16.02.2023.

4. As the same was not on record, the Office was directed to locate it and attach the same with the file.

5. By office note dated 05.03.2024, it has been incorporated as follows:

“No Supplementary Counter Affidavit filed as yet as per computer at flag “A”.

However, A rejoinder of the petitioner to Counter of respondents filed on 17.02.2024 filed and kept with record.

Submitted before the Hon’ble Bench U/H for Admission.”

6. This Court has also checked the website and has found that no supplementary counter-affidavit is on record, as such, a cost of Rs. 2,000/- is imposed upon the office of the learned GP-18 to be paid to the learned counsel for the petitioner within a period of two weeks.

7. Learned counsel for the petitioner was informed that in the latest affidavit, which is not on record, in paragraph-



6, they have accepted that the name of the petitioners still running and as such, he has made a prayer for cancellation of the jamabandi.

8. As per the copy of the supplementary counter-affidavit provided by the learned counsel paragraph-6 of the said affidavit signed by the Circle Officer, Hanuman Nagar, Darbhanga read as follows:

“That as the RSP no. 136 is recorded as Anavad Sarv Sadhran in R.S. Khatiyan, hence the Circle Officer, Hanumannagar forwarded a proposal, for cancellation of the above Jamabandi, running in the name of above petitioners, vide letter no. 140 dated 27/02/2023, alongwith report of the KC and the copy of Register-II.”

9. In that background, the writ petition is disposed of directing the petitioner to appear in the said jamabandi cancellation case, the number of which has still not been incorporated in the supplementary counter-affidavit, if such jamabandi cancellation is filed by the State, naturally notices be issued to the affected parties and only after the same can be taken to its logical conclusion.



10. Till an order is passed in the jamabandi cancellation case, the interim protection granted to the petitioner by the coordinate Bench as per the order No. 03 dated 13.03.2023 to continue.

11. CWJC No. 2204 of 2023 stands disposed of.

(Rajiv Roy, J)

Adnan/-

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