

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10710 of 2018

Vijay Kumar Singh son of Late Ram Sinhasan Singh resident of village P.O. - Phulari, P.S. - Sandesh, District - Bhojpur at present residing at Flat No. C/501, Sundram Vatika Rupaspur, P.O. - Dhanaut, P.S. - Rupaspur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Collector, Arwal.
5. The Additional Deputy Collector, Arwal.
6. The Land Reforms Deputy Collector, Arwal, District - Arwal.
7. The Circle Officer, Arwal, District - Arwal.
8. The Circle Inspector, Arwal.
9. Sri Shivmangal Prasad the Rajaswa Karmchari, Mouza - Wasilpur, Circle - Arwal, District - Arwal resident of village - Bulaki Bigha, P.O. P.S. - Kaler, District - Arwal.
10. Mosmat Rukmini Devi wife of Late Nagendra Nath Sinha
11. Sri Nikhil Sinha son of Late Nagendra Nath Singh Both are residents of village P.O. - Wasilpur, District - Arwal.
12. Sri Nityanand Singh son of Late Bhagwan Singh resident of village - Noniya Bigha Khankulipur, P.S. District - Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Kumar, Adv.
For the Respondent/s : Mr.Raj Kishore Roy- GP18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-10-2024

In the instant petition, petitioner has prayed for the
following relief(s):-

*(i)For issuance of an appropriate writ in
the nature of CERTIORARI for quashing
the order dated 27.02.2018 passed in Land*



Rent Fixation Appeal Case No.- 01/2018-19 (Vijay Kumar Singh Vs. Circle Officer, Arwal) by the learned Court of Land Reforms Deputy Collecior, Arwal (hereiafter referred as D.C.L.R., Arwal)/respondent no. 6 whereby and where under the learned court of D.C.L.R., Arwal has rejected the claim of the petitioner for fixation of the rent with regard to the Property in dispute fully detailed in Schedule I of this writ application.

(ii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 24.10.2016 passed in Land Rent Fixation Case No. 01/2015-16 by the learned Court of Circle Officer, Arwal/respondent no. 7 whereby and where under the learned court of C.O., Arwal has rejected the claim of the petitioner for fixation of the rent with regard to Property in dispute fully detailed in Schedule I of this writ application.

(iii) For issuance of an appropriate writ in the nature of MANDAMUS commanding the respondent concerned to fix an appropriate rent with regard Property in dispute fully detailed in Schedule I of this writ application as well as to creat a new Jamabandi with regard to the same property.



(iv) For issuance of an appropriate order or direction directing the respondent no. 12 to vacate his illegal possession from the petitioner's Property in dispute fully detailed in Schedule I of this writ application

(v) Further for issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled in the facts and circumstances of the case.

2. Learned counsel for the petitioner submitted that petitioner's vendor purchased the property in dispute vide sale deed no. 9535 dated 11.12.1944 and the petitioner purchased the said land by virtue of registered sale deed dated 23.10.1981. Learned counsel submitted that petitioner filed application before the L.R.D.C., Arwal (respondent no. 6) for fixation of rent of the land in question and the said application has been transferred to the Circle Officer, Arwal (respondent no. 7). The Circle Officer reported that the land in question is Gairmazarua Malik and petitioner was possessing the land in question and the claim of the petitioner has been rejected. Thereafter, petitioner filed appeal before the Additional Collector, Arwal under section 8 of the Bihar Land Reforms Act, 1950 alongwith separate petition under



section 5 of the Limitation Act. The appeal filed by the petitioner has been rejected by the concerned authority, and hence, petitioner has approached this Court for redressal of his grievance. He submits that claim of the petitioner is genuine as he is in possession of the land in question since 1981.

3. Learned counsel for the State submitted that petitioner has not approached the appropriate authority after rejection of his appeal by the Additional Collector. Petitioner has to approach the revisional authority for redressal of his grievance. Petitioner has directly rushed to this court by filing the present writ petition without approaching the revisional authority, and hence the present writ petition is not maintainable.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioner to approach the authority concerned for redressal of his grievance, which has been raised by the petitioner in the present writ petition, within a period of six weeks from the date of receipt of a copy of this order. The concerned authority is directed to consider and dispose of the



grievance of the petitioner after giving him due opportunity, expeditiously, preferably within a period of six months from the date of filing of representation/application by the petitioner.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.10.2024
Transmission Date	

