

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11313 of 2018

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Kamla Devi W/o Late Ramesh Paswan resident of village - Sathopur, P.S. -
Dip Nagar, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The District Magistrate, Biharsharif at Nalanda.
4. The District Magistrate, Biharsharif at Nalanda.
5. The Circle Officer, Biharsharif, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Respondent/s : Mr.Md. Khurshid Alam- AAG 12

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 10-12-2024

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

“For issuance of appropriate writ preferably in the nature of Mandamus commanding and directing the Respondent authority in particularly the Circle Officer, Biharsarif, Nalanda (Respondent No.5) to make necessary correction in the area of Jamabandi No. 253 appertaining to Khata No.154, Khesra No.545, Thana No.130 of Mauza- Sathopur, Biharsarif, District- Nalanda in which it has wrongly been mentioned 1 decimal instead of 2 decimal



and issue the rent receipt accordingly for which the petitioner has already been filed a petition dated 9.02.2018 alongwith supporting documents. And/or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.

2. Learned counsel for the petitioner submits that the grievance of the petitioner is that Basgit Parcha was issued in favour of the petitioner on 11.12.1969 in respect of the land appertaining to Thana No. 130, Khata No. 154, Khesra No. 545, Area 2 decimals, but subsequently in the year 1989 Parwana has been issued by the Circle Officer for only 1 decimal of land. Learned counsel submits that petitioner has raised his grievance before the concerned Circle Officer and the District Magistrate that in the year 1969 Basgit Parcha was issued in respect of 2 decimals of land. It is submitted that Halka Karmachari has duty only to inspect the land and he is not the recommending authority for the land in question. Learned counsel further submits that the D.C.L.R, Nalanda has raised question on the basis of report of the Circle Officer that the land in question was settled in the name of the petitioner's husband and if the same was settled for 2 decimals, then allowing the encroachment proceeding to continue is not proper and accordingly directed



for concluding the encroachment proceeding immediately. Learned counsel submits that petitioner has already been filed a petition dated 9.02.2018 alongwith supporting documents, but despite the grievance being raised by the petitioner before the concerned authority, no action has been taken up-till-now.

3. Learned counsel for the State is not in position to satisfy this Court on the point of issuance of Basgit Parcha for 2 decimals and Parwana for 1 decimal in respect of the land in question. The counter affidavit filed on behalf of the State also does not specifically point out as to why Basgit Parcha was issued in favour of petitioners husband for 2 decimals and subsequently Parwana was issued only for 1 decimal.

4. In the light of the facts and circumstances of the case, the present writ petition is disposed of with direction to the petitioner to represent his grievance afresh before the District Magistrate, Biharsharif at Nalanda, which has been raised by the petitioner in the present writ petition, within a period of four weeks from the date of receipt of a copy of this order. If such representation/application is filed by the petitioner within the stipulated period, the District Magistrate, Biharsharif at Nalanda is directed to consider and dispose of the grievance of the petitioner after giving him due opportunity, expeditiously,



preferably within a period of three months from the date of
filing of representation/application by the petitioner.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2024
Transmission Date	NA

