

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11904 of 2018

Manish Singh Son of Mankoman Singh Resident of Village - Mekra, P.S. -
Mokama, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna.
3. The Deputy Collector Land Reforms, Barh, District - Patna.
4. The Sub Divisional Officer, Barh, District - Patna.
5. The Circle Officer-cum-Block Development Officer, Mokama, District Patna.
6. Madan Singh son of Late Kripali Singh Resident of Village - Mekra, P.S. - Mokama, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Respondent/s : Mr.Sajid Salim Khan- SC 25

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 19-11-2024

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

*(i) For issuance of writ in the
nature of certiorari for quashing of the Notice
as contained in Memo No. 521 dated 4.5.2018
and Notice as contained in Memo No. 588
dated 5.6.2018 issued in Demarcation Case
No. 07/2018-19 whereby and where under the
Circle Officer, Mokama has informed to the
petitioner that a measurement and
demarcation of Khata No. 205, Plot No. 2877
will be done on 5.6.2018 without considering*



that the petitioner was not party in any demarcation case nor summon was issued annexing the petition filed by Madan Singh nor any opportunity of hearing was given and the Circle Officer has fixed the date for measurement and demarcation of the raiyati land of the petitioner.

(ii) For further holding that the Circle Officer has got no jurisdiction to make demarcation/measurement of the raiyati land of the petitioner as the land of the petitioner is not surrounded by any public land and if any greivance of the private respondent is there, they can file a civil suit in a competent court.

(iii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

2. On 12.11.2024, this Court had passed the following

order :-

“No one appears for the petitioner.

2. Learned counsel appearing for the State submits that petitioner has the only grievance that he has been given notice merely because his land is situated near the boundary of the land in question. Learned counsel submits that with respect to the aforesaid grievance, petitioner should represent before the Circle Officer, Mokama.

3. As a matter of one opportunity, list



this case after one week i.e. on 19.11.2024.

4. It is made clear that in case no one appears on behalf of the petitioner on the next date of hearing, the matter would be decided on the basis of material available on record as the matter is pending consideration for the last six years.”

3. Today also, no one turned up on behalf of the petitioner.

4. From perusal of the prayer clause, it transpired that notice as contained in memo no. 521 dated 04.05.2018 and memo no. 588 dated 05.06.2018 has been issued in Demarcation Case No. 07/2018-19, whereby the Circle Officer, Mokama has informed the petitioner that a measurement and demarcation of Khata No. 205, Plot No. 2877 will be done on 05.06.2018 and petitioner is one of the party as his land is situated adjacent to the land in question. Petitioner is aggrieved by the said notice.

5. Learned counsel for the State submits that petitioner has not put his grievance before any authority for redressal of his grievance. Learned counsel submits that petitioner without approaching the authority concerned, has directly rushed to this Court in its writ jurisdiction, and hence the present writ petition is not maintainable and is liable to be dismissed.



6. In the light of the aforesaid facts and circumstances, as per the impugned notice the date of measurement was fixed on 05.06.2018 which is already over. Accordingly, 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 four 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 as per law within a reasonable period of time.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2024
Transmission Date	NA

