

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12822 of 2018

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Hadish Ansari @ Hadish Mian Son of Kitaboodin Ansari, resident of Village-
Pallia, P.O.- Dehri, P.S. Rajapur, Anchal- Chausa, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Buxar.
3. The Sub Divisional Officer, Buxar.
4. The Superintendent of Police, Buxar.
5. The Anchal Adhikari, Rajapur, District- Buxar.
6. Makbul Ansari.
7. Mukhtar Ansari.
8. Shamujama Ansari.
9. Rashi Ansari.
10. Farid Ansari. All are sons of Suleman Mian and all are resident of Village-
Pallia, P.O.- Dehri, P.S.- Rajapur, Anchal- Chausa, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Singh
For the Respondent/s : Mr.Rishi Raj Sinha- Sc19

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 12-11-2024

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

(i) For issuance of an appropriate writ/writs.
order/orders, or direction/directions for setting aside the order
dated 16.02.2018 passed by the District Magistrate, Buxar in
Misc. Case No. 165/2017 in which he has passed the order
without the applying his judicial mind.

(ii) For issuance of an appropriate writ/order or



direction to measurement of plot of lands bearing Khata No. 98, Khesra No. 229, Area 2 Katha and Khata No. 135, Khesra No.- 139, Area 2 decimal of Mauja Pallia.

(iii) For issuance of an appropriate writ/order or direction to respondents as required at the time of hearing and other reliefs as sought of judicature.

2. Learned counsel for the petitioner submits that a proceeding under Section 144 of Cr.P.C. has been initiated with respect to Khata No. 98, Khesra No. 229, Area 2 katha and Khata No. 135, Khesra No. 139, Area 2 decimal between petitioner and father of the Respondent Nos. 6 to 10. Petitioner has filed an application on 04.05.2000 before learned Sub-Divisional Officer, Buxar for the help of police on the disputed land in question and show cause has been asked from Respondent Nos. 6 to 10. He further submits that Circle Officer, Rajapur was directed to measure the disputed land in question under the supervision of Circle Inspector. He further submits that petitioner has filed an application before the Circle Officer, Rajapur as contained in Annexure 3 of the writ petition, to comply the order dated 15.01.2001 but no action was taken at the request of the petitioner. Further, petitioner has filed an application before the District Magistrate, Buxar on 22.06.2002



but no measurement was done. He further submits that petitioner approached to this Court vide C.W.J.C. No. 2858/2005 and direction was given to the concerned respondents to comply the order or direction of this Court. He further submits that petitioner's representation was rejected by the District Magistrate, Buxar on the ground that he has approached the concerned authority belatedly. Then, petitioner has approached this Court vide L.P.A. No. 313/2016 which has been disposed of with direction to the District Magistrate, Buxar to pass appropriate order within a period of six months from the date of receipt of the certified copy of this order. In light of the direction given vide L.P.A. No. 313/2016, the petitioner approached the District Magistrate, Buxar and the District Magistrate, Buxar has rejected the petitioner's representation and made observation that there is dispute on Raiyatti land and the said dispute is not maintainable in the court of the District Magistrate, Buxar and it should be decided by the competent Court as the said dispute is related with encroachment upon Raiyatti land. Learned counsel for the petitioner approached this Court for challenging the order dated 16.02.2018 passed by the the District Magistrate, Buxar in Miscellaneous Case No. 165/2017. Learned counsel for the petitioner submits that the



District Magistrate, Buxar has passed the order without application of mind as there is no dispute regarding encroachment as petitioner has simply sought redressal of his grievance with regard to the demarcation of land in question but the District Magistrate, Buxar twisted the remedy of the petitioner and pass different order. Hence, the present writ petition.

3. Learned counsel for the State submits that on the basis of material available on record, petitioner has not challenged the order of the District Magistrate, Buxar and without challenging the order of the District Magistrate, Buxar petitioner approached to this Court and petitioner has not approached the appropriate forum for challenging the order of the District Magistrate, Buxar.

4. In the light of the aforesaid facts and circumstances of the case, the present writ petition is not maintainable. Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the appropriate forum/authority against the order passed by the District Magistrate, Buxar within reasonable time.

5. It is needless to mention that the period spent in pursuing the matter before this Court be considered



sympathetically while dealing with the aspect of condonation of delay.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2024.
Transmission Date	N/A

