

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5441 of 2016

=====

Shailendra Kumar S/o- Late Raghunandan Das, resident of village/Mohalla
Gandhi Tola, Rajgir, P.S. Rajgir, District Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda
3. The Sub-Divisional Officer, Rajgir, District -Nalanda
4. The Circle Officer, Rajgir, District Nalanda
5. Manoj Ravidas
6. Pramod Ravidas
Both sons of Late Birju Ravidas, resident of Village/Mohalla-Gandhi Tola
Rajgir, P.S. Rajgir, District- Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Respondent/s : Mr. Mirtunjay Kumar, AC to AAG-6

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-02-2024 Heard the parties.

2. The present writ petition has been filed for the
following reliefs:

*(i) for issuance of an
appropriate writ in the nature of
MANDAMUS Commanding and
directing the respondent authority to
take final conclusive decision in
Demarcation case No. 24/2011-12
pending in the court of respondent
Circle Officer Rajgir;*

*(ii) further for direction to
the respondent authority to execute
the order/ direction dated 16. 2. 13*



issued by the Respondent S. D. O. Rajgir contained in his letter No.197 dated 16.2.13 and demarked the land of the petitioner situated at Mauja Rajgiur, Thana No. 485, Khata No. 332 Khesra No. 4314 area 01 decimal;

(iii) further for issuance of any other writ/ writs, order/ orders, direction/ directions for which petitioner shall be found entitled under the facts and circumstances of the case for equity of Justice.

3. A counter affidavit has been filed on behalf of respondent nos. 2 to 4 duly signed by the Assistant Collector cum in-charge Circle Officer, Rajgir, Nalanda.

4. That the facts in brief as indicated in the present writ petition is that earlier on the basis of an application submitted by the petitioner a proceeding under Demarcation Case No. 24/2011-12 has been initiated by the respondent no. 04 for demarcation of the land claimed by the petitioner bearing Khata no. 332, Khesra no. 4314, Area 01 decimal situated in Mauza- Rajgir, Thana no.



485 on 14.10.2011. It is further stated that the Anchal Amin visited to the land in question for the purpose of demarcation on several occasions i.e. on 17.01.2012, 15.02.2012 and 26.03.2012/22.05.2012, but on account of violent protest made by the private respondents the work of measurement/demarcation could not be done. Thereafter in presence of the police forces on 09.06.2012, the land in question was measured and demarcated by the Anchal Amin in presence of both the parties.

5. That it is humbly stated and submitted that further proceeding of the aforesaid case was dropped on 23.06.2012 as the purpose of the case was completed with demarcation of the land in question. So far grievance of the petitioner to get the land in question bounded by wall under the said demarcation proceeding is concerned, it is not sustainable in the eyes of law. The answering respondents have no jurisdiction to take any decision in such matter, where dispute of right and title over the land is involved.

6. That it is also relevant to



mention here that the private respondents approached to the court of the D.C.L.R, Rajgir for their claim over the land in question by filing Land Dispute Case No. 27/2012, which was disposed of vide order dated 13.07.2012 with observation that the dispute relates to title and it could ✓ be only decided by the Competent Civil Court. So far direction given by the S.D.O, Rajgir vide letter no. 197, dated 16.02.2013 on the representation of the petitioner is concerned, it indicates only to the extent that if the claim of the petitioner is found true in verification, a proposal has to be submitted for further action. However, the dispute in between the parties in such nature, which could be only decided conclusively by the competent Civil Court.

7. That it is pertinent to mention here that earlier counter affidavit vide oath no. 3794, dated 06.09.2017 has been submitted on behalf of the answering respondents including the important material facts related to the issues raised by the petitioner in the present writ petition.



However, in pursuance to the order dated 14.12.2023 passed by this Hon'ble Court those facts are being reproduced in the present counter affidavit to apprise this Hon'ble Court."

4. This Court has gone through the prayer as also the reply of the State-respondents. The D.C.L.R., Rajgir rightly pointed out that the disputes relate to title and can be adjudicated in the competent Civil Court.

5. The writ petition has no merit and is accordingly dismissed.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

