

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4051 of 2024

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Ram Vijay Sharan Son of Late Shayama Prasad Resident of Village-Amhara,
P.O.-Amhara, P.S.-Bihta, Distt.-Ptna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue Reform, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Additional Collector, Land Reforms, Patna.
5. The Deputy Collector, Land Reform, Danapur, Patna.
6. The Sub Divisional Officer, Danapur, Patna.
7. The Circle Officer, Bihta, Patna.
8. Jaglal Chaudhary Son of Late Shiv Shambhoo Chaudhary @ Late Govardhan Chaudhary Resident of Village-Amhara, P.O.-Amhara, P.S.-Bihta, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kr., Advocate
For the Respondent/s : Mr. Ramdhar Singh, GP-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2024 Heard Mr. Shashi Bhushan Kumar, learned counsel

for the petitioner and the State.

2. The present writ petition has been preferred for the

grant of following relief/s:-

*“i. For issuance of writ in the nature of
Certiorari for quashing the order dated 18-05-
2023 passed by the Bihar Land Tribunal in
B.L.T. Case No. 345 of 2022 which has been
passed on totally erroneous grounds in
completely mechanical and cryptic manner
without even considering the case and counter
affidavit of the petitioner.*



ii. For issuance of writ in the nature of Mandamus for grant of order to stay the demarcation proceeding bearing Demarcation Case no. 67 of 2019-20 pending before the Circle Officer, Bihta in which the private respondent no. 8 had prayed for demarcating his land 21 decimal in Jamabandi No. 357 of Mauja- Amhara, Anchal- Bihta, District- Patna, on the basis of manufactured and Sada Hakumnama, by Respondent no. 8.

iii. For direction to respondents to initiate proceeding for cancellation of Jamabandi with respect to the land of 9 decimal which is in favour of the Private respondent no.8 on the ground of the said Jamabandi was created on the erroneous and invalid document i.e. Sada hukumnama of the year 1955.

iv. For directing the respondent to correct their record and enter 12 decimal of land instead of 21 decimal in Jamabandi no. 357 of Mauja- Amhara, Anchal- Bihta, District- Patna.

v. For directing the D.C.L.R. to cancel the Jamabandi No. 357 of Mauja- Amhara, Anchal-Bihta, District- Patna.

vi. For issuance of any other relief(s) for which the petitioner is entitled for.”

3. Learned counsel for the petitioner has limited prayer, it is his submission that though in the BLT case No. 345 of 2022, a counter affidavit was filed on its behalf, as the counsel failed to appear on that day, his case was not considered.



4. The submission is that he do not have any problem in the direction issued by the BLT on 18.05.2023, however, he only wants that at the time of measurement, his presence be also taken into consideration.

5. Learned State counsel submits that the order was passed on 18.05.2023 whereas the writ petition has been filed eight months later on 01.03.2024. He submits that there is nothing on record to show whether the measurement has been done or not.

6. In that background and in view of the limited prayer of the petitioner, the writ petition stands disposed of with a rider that if the measurement has not been done pursuant to the order dated 18.05.2023 in BLT Case No. 345 of 2022 by the Circle Officer, Bihta Patna till the passing of this order, the presence of the petitioner be noted at the time of measurement.

7. In case, the process has already been undertaken, the petitioner is free to challenge the same.

8. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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