

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18586 of 2016**

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Harbansh Ray Son of Late Dhanpat Roy Resident of Village-Chak Sikandar  
P.S. Tajpur, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Samastipur
3. The Additional Collector, Samastipur
4. The Deputy Collector Land Reforms Damastipur
5. The Circle Officer, Morba District-Samastipur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bhubneshwar Prasad, Advocate  
For the Respondent/s : Mr. Raj Kishore Roy, GP- 18

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

**ORAL JUDGMENT**

**Date : 11-07-2024**

Heard learned counsel for the petitioner and learned  
counsel for the State-respondents.

2. The petitioner has preferred the present writ application  
for quashing the order dated 30-07-2013, passed in Case No.  
735/2002 by the learned Collector, Samastipur, whereby and  
whereunder, he has been pleased to remand the case before the  
learned Additional Collector, Samastipur for disposal of the case  
in accordance with the law since this Hon'ble Court has been  
pleased to direct the Collector, Samastipur to decide the matter  
in accordance with law vide order dated 14-05-2002, passed in  
CWJC. No. 1459 of 2000 as well as the order dated 04-01-2012,



passed in CWJC No. 164 of 2012.

3. It is submitted by the learned counsel for the petitioner that earlier *vide* order dated 04-01-2012 passed in CWJC No. 164 of 2012, a direction was given to the Collector, Samastipur (respondent No.2), to take all steps so that Case No. 735 of 2002 may come to its logical end.

4. In compliance of order dated 04-01-2012 passed in CWJC No. 164 of 2012, the Collector, Samastipur (respondent No.2) has remanded the matter to the Additional Collector, Samastipur (respondent No.3) to dispose of the Case No. 735 of 2002 in accordance with law.

5. Referring to paragraph No. 18 of the counter affidavit filed on behalf of the respondent/s, it has been submitted by learned counsel for the State that the Collector, Samastipur (respondent No.2) vide Annexure- E to the counter affidavit, has remanded the matter back to the Additional Collector, Samastipur (respondent No.3).

6. On which, learned counsel for the petitioner specifically submits that the Case No. 735 of 2002 has not been disposed of as yet by the Additional Collector, Samastipur (respondent No.3).

7. In that view of the matter, the Additional Collector,



Samastipur (respondent No.3) is directed to dispose of the case remanded by the Collector, Samastipur vide order dated 30-07-2013 passed in Case No. 735 of 2002, in accordance with law by affording opportunity of hearing to the concerned parties within a period of three months from the date of receipt/production of a copy of this order.

8. However, after remand, if the aforesaid case is not instituted before the Additional Collector, Samastipur (respondent No.3), in that event, the petitioner shall file afresh representation before the respondent No.3 to institute the case within a period of four weeks and the respondent No.3 shall dispose of the same by passing a reasoned and speaking order in accordance with law after affording opportunity of hearing to the concerned parties within a period of three months after filing of representation.

9. With the aforesaid direction, the writ petition stands disposed of.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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