

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5002 of 2024

Vinay Kumar Jha son of Late Madaneshwar Jha, Resident of Laxmipur Bakhari, P.S.- Mahua, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Revenue and Land Reforms, Bihar, Patna.
2. The Commissioner, Tirhut Range at Muzaffarpur.
3. The District Magistrate, Vaishali at Hajipur.
4. The Deputy Collector, Land Reforms, Mahua, Dist.- Vaishali.
5. The Sub-Divisional Office, Mahua at Mahua, Dist.- Vaishali.
6. The Circle Officer, Rajapakar, Dist.- Vaishali.
7. The Station Head Officer, Mahua Police Station.
8. Randhir Singh @ Vikku Singh, son of Late Harinath Singh, Resident of village- Laxmipur Bakhari, P.S.- Mahua, Dist.- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate
For the Respondent/s : Mr. Government Advocate (2)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-06-2024 Heard the parties.

2. The present petition has been preferred for issuance of an appropriate writ, order, direction, directing the respondent concern i.e the Circle Officer, Rajapakar, to put the petitioner in possession over the land of Khesra no. 429, 440 appertaining to Khata no. 154, village Laxmipur Bakhari, Vaishali pursuant of order of the D.C.L.R. Mahua (respondent no.4) dated 11.11.2022 communicated to the C.O. Rajapakar vide memo no. 31 dated 14.02.2023 wherein the C.O. Rajapakar



has been directed to make measurement and after installing pillars restore the possession of the petitioner over the land in question.

3. As has regularly been seen, citizens are approaching this Court for compliance of the order of the superior authority as the Circle Officer concerned fails to comply the order.

4. In this case also an order was passed by the Deputy Collector, Land Reforms, Mahua, Vaishali in Land Dispute Case No. 01/2022-2023 on 11.11.2022 and the relevant part read as follows:

निर्णय

उभय पक्षों के विद्वान अधिवक्ता का बहस सुना एवं अभिलेख का अवलोकन किया। प्रश्नगत भूमि पर प्रतिवादी के द्वारा दावा नहीं किया गया है उनका दावा सुशील कुमार झा से खरीदी गई रकदा 67 डी० भूमि पर है. सुशील कुमार झा के द्वारा जो 67 डी० भूमि सरस्वती देवी के नाम से चार दस्तावेज के द्वारा हस्तांतरित किया गया है। प्रत्येक दस्तावेज में अंकित है कि मिलजुमला दोनों नंबरात से आधा ऐराजी 67 डी० जिसमें से 16 डी० जानिव पुरब से अंकित है। इस तरह प्रतिवादी का यह कहना कि दोनों खेसरा नम्बर से उन्हें मिला यह गलत साबित होता है, उन्हें दोनों मिलजुमला नम्बर में से 67 डी० पुरब से मिला वह खेसरा नं०- 439 के पुरबआरी से उन्हें 67 डी० मिलने के



बाद शेष रकवा- 15 डी० वादी का बच जाता है। इस तरह वादी का दावा सत्य साबित होता है।

अतः अंचलाधिकारी, राजापाकर को आदेश दिया जाता है कि प्रश्नगत भूमि का नापी कर पक्का आड़-गुड़ कायम कराते हुए वादी का पक्का पीलर गड़वा कर वेदखल अंश पर दखल-कब्जा दिलाना सुनिश्चित करें। थानाध्यक्ष महुआ को निदेश दिया जाता है कि अंचलाधिकारी, राजापाकर को इस आदेश के अनुपालन के दौरान सहयोग करें। आदेश की प्रति अंचलाधिकारी राजापाकर एवं थानाध्यक्ष, महुआ को भेजे।

5. Paragraph 12 of the writ petition read as follows:

12. That it is stated and submitted that order dated 11.11.2022 passed by the D.C.L.R. Mahua is neither Sub-Judice before any appellate court nor any stay has been granted to the private respondents (respondent no.-8) by any court, rather despite of having knowledge of these facts the respondents are not following its own order in accordance with law.

6. It is the case of the petitioner that thereafter he approached the Circle Officer, Rajapakar, Vaishali (respondent no. 6) but he is sitting over the matter despite the fact that he petitioned before the Collector, Vaishali on 20.10.2023.

7. It is the stand of the learned State Counsel that if the order of the Deputy Collector, Land Reforms has not been



challenged in any forum/authority, the Circle Officer is bound to follow the same.

8. The writ petition stands disposed of directing the Circle Officer, Rajapakar, Vaishali to immediately take steps and dispose of the petition of the petitioner in next three months, if still not disposed of.

9. Let a copy of the order sent to the office of the Collector, Vaishali at Hajipur to make him aware that the order of the superior authorities are not being complied by the Circle Officers within his jurisdiction.

(Rajiv Roy, J)

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