

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9897 of 2021

Chanchala Devi @ Chulha Devi W/o Dwarika Mandal R/o- Vill.- Katiya,
P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Collector Bhagalpur.
3. The Collector Banka.
4. The Sub- Registrar Sub- Registry Office, Banka.
5. The S.D.O. Banka.
6. The D.C.L.R. Banka.
7. The Anchal Adhikari Rajoun, District- Banka.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-09-2024

Heard Mr. Mritunjay Prasad Singh, learned counsel for
the petitioner and Mr. Raj Kishore Roy, GP-18, learned counsel for
the State.

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

*“(i) For issuance of writ in the nature of Mandamus
Commanding the respondent authorities to treat the
land of registered deed of Sale No. 7303 dated
02.05.1983 bearing Khata No. 14, 73, Plot No. 132,
380, Area 1 Acre 14 Decimals is not the surplus land*



of the holders (the vendor) under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 because same was transferred by the land holder namely Prem Shankar Sahay after obtaining the necessary permission dated 02.03.1982 passed by the Collector Bhagalpur (when the land was under the jurisdiction of the Collector, Bhagalpur) in L.C. Appeal Case No. 92 of 1981-82 arising out of Land Ceiling Case No. 1039 of 1976.

(ii) For issuance of writ of mandamus commanding the respondents authorities to treat the sale in question aforesaid of petitioner in question is legal, valid, proper, justified, operative and sustainable in eye of law of all purpose including the right, title and interest of the petitioner.

(iii) For issuance of such other appropriate writ or order or direction in the facts and circumstances of this case for the ends of justice.”

3. It appears from the writ petition that the petitioner has sought relief in the writ petition as mentioned aforesaid and petitioner has sought mandamus upon the respondent authority to treat the sale in question with respect to registered deed of Sale



No. 7303 dated 02.05.1983 bearing Khata No. 14, 73, Plot No. 132, 380, Area 1 Acre 14 Decimals.

4. Learned counsel for the State has taken a preliminary objection that before approaching this Court, the petitioner has not approached the respondent concerned, the petitioner has directly moved before this Hon’ble Court and seeking mandamus upon the respondents.

5. It appears that the respondents had taken a valid/reasonable objection with respect to maintainability of the writ petition on the ground that without approaching the respondent-authority, the petitioner has directly approached this Hon’ble Court.

6. In view of the aforesaid, there is no merit in the writ petition. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.10.2024
Transmission Date	N.A.

