

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5892 of 2015**

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Md. Tanzir Son of Hefiz Raish, Resident of village- Chhachhua, P.S. - Bisphi,  
District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate Magistrate, Madhubani
2. The Sub-Divisional Magistrate, Benipatti, District- Madhubani.
3. Circle Officer, Bisfi, District- Madhubani.
4. Md. Moine , Son of Abdul Jawar
5. Abdul Jawar, Son of Late Kailu.
6. Md. Abbas, son of Late Kailu
7. Md. Idwis son of Late Kailu All residents of village Chhachhua, P.S.-  
Bisphi, District- Madhubani.

... .. Respondent/s

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**Appearance :**

|                              |   |                                    |
|------------------------------|---|------------------------------------|
| For the Petitioner/s         | : | Mr.Saroj Kumar, Advocate           |
| For the State                | : | Mr. Sarvesh Kumar, GP-24           |
| For private respondent no.4: |   | Mr. Shailendra Kumar Jha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      08-08-2024                      The present writ petition has been filed seeking the  
following relief:-

*“1. That this is an application for issuing an appropriate writ in the nature of Mandamus directing the respondent no.2 to initiate proper proceeding and after adjudication of the claim and counter claim of the parties dispose of the matter for which he is obliged under the law.”*

2.      At the outset, the learned counsel for the respondent-State has referred to the counter affidavit filed in the present case on behalf of respondent nos. 1 to 3, more



particularly, paragraph no.5 thereof, to submit that after a petition was filed by the petitioner, the Sub-divisional Magistrate, Benipatti called for an enquiry report from the Circle Officer, Bisfi and the SHO, Bisfi, whereafter the Circle Officer, Bisfi had submitted his report along with the report of Anchal Amin and Revenue Clerk, vide letter dated 23.12.2014 wherein he has reported that in the new survey, portion of land of Plot No. 2389 has been carved out from portion of land of plot no. 1768 and 1767. The land of plot no.1767 is a Raiyati Personal land, over which latrine (washroom) has been constructed in which, 01 decimal land of plot no.1768 had been settled in the name of ancestor of Md. Moen S/o Abdul Jabbar. He has further reported that at present *rasta* in plot no. 2389 has been carved out from old plot nos.1767 and 1768, in which about 6 square feet falls in the constructed latrine (toilet), which is nominal in nature. In such view of the matter, the Circle Officer, Bisfi had recommended for not taking any action. Accordingly, the Sub-divisional Officer, Benipatti (Madhubani), by a reasoned order dated 20.03.2015, has rejected the petition filed by the petitioner.

3. In view of the aforesaid, nothing survives for consideration in the present writ petition, however, liberty is granted to the petitioner to assail the aforesaid order dated



20.03.2015, passed by the Sub-divisional Officer, Benipatti, by  
availing such other alternative remedies, as are otherwise  
available under the law.

4. Accordingly, the present writ petition stands  
disposed off.

**(Mohit Kumar Shah, J)**

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