

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10862 of 2020

Janak Lal Sah @ Janak Lal Nirala @ Janak Sah Son of Late Fakira Sah,
Resident of Village-Karim Nagar, P.S. Mohiuddin Nagar, Distt-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Samastipur.
2. District Magistrate, Samastipur.
3. Circle Officer, Mohiuddin Nagar Village-Karim Nagar, P.S. Mohiuddin Nagar, Distt-Samastipur.
4. Must. Ramwati Devi, Wife of Late Bishwanath Sah, Resident Village-Karim Nagar, P.S. Mohiuddin Nagar, Distt-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjai Kumar Singh, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, G.P. 14
For Respondent No. 4	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 13-08-2024 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for Respondent No. 4.

2. This writ petition is filed for the following reliefs:-

*(i) For setting aside the order dated
09.09.2020 passed by learned Circle Officer,
Mohiuddin Nagar (Respondent No. 3) in
connection with Misc. Case No. 7/19-20.*

*(ii) For holding that, impugned order
passed by Respondent No. 3 is without
jurisdiction and as such not sustainable in the eye
of law.*

*(iii) For holding that, no order can be
passed by any Administrative Court, in respect of*



a matter, already pending before a competent Civil Court between the same parties.

(iv) For further holding that, Respondent No.3 has wrongly usurped the jurisdiction not vested in it.

(v) For any other relief(s) for which the petitioner is found entitled in the eye of law.

3. Learned counsel for the petitioner submits that the Respondent No. 4 is *pattidar* of the petitioner and the Partition Suit No. 113 of 2003 is pending before the competent court of law since 2003. During the pendency of the aforesaid Partition Suit No. 113 of 2003, the Respondent No. 4 has filed a petition before the Circle Officer (Respondent No. 3) stating therein that the Respondent No. 4 is intended to construct a house over the land bearing Khata No. 23(O)7(N), Khesra No. 315,316(O) Area 10 Dhurs and Khesra No. 325(O)282 (N), Area 1 Katha.

4. Learned counsel for the petitioner further submits that Respondent No. 3 has issued notice to the petitioner and petitioner had appeared and submitted a statement stating therein that for the same set of land, a title suit bearing no. 19 of 2020 is pending before the competent court of law. Despite that, the Respondent No. 3 had passed the order dated 09.09.2020.

5. Learned counsel for the Respondent No. 4 has filed



an affidavit stating therein that the land in question is not the subject matter of the title suit no. 19 of 2020.

6. Having heard learned counsel for the parties and perused the material on record, it appears that the Circle Officer, Mohiuddin Nagar (Respondent No. 3) has passed the order dated 09.09.2020, after knowing the fact that the matter is pending before the competent court of law.

7. In view of the aforesaid, the order dated 09.09.2020 (Annexure-3) is set aside and the writ petition stands allowed.

8. Personal appearance of the Respondent No. 3 is dispensed with.

(Rajesh Kumar Verma, J)

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