

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10317 of 2023

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Suneel Yadav @ Sunil Kumar Yadav Son of late Ramasevak Yadav, Resident
of Village- Ghasiya, P.S.- Dhuraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Revenue and Land Reforms Bihar, Patna.
2. The Commissioner, Bhagalpur.
3. The District Magistrate, Banka.
4. The Additional Collector, Banka.
5. The Deputy Collector Land Reforms, Banka.
6. The Sub Divisional Officer, Banka.
7. The Circle Officer, Dhuraiya, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Amritesh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-04-2024 Heard Mr. Vivekanand Amritesh, learned counsel

 appearing on behalf of the petitioner and Mr. Sajid Salim Khan,

 SC-25.

2. The present writ application has been preferred for
the following relief/s:-

*“(i) For that to give direction the Circle
Officer Dhuraiya to do proper investigation
on letter No.1233/Ra dated 28.3.23 issued
under the signature of Madhav Kumar
Singh, Additional Collector Banka by which
the Circle Officer, Dhuraiya is directed to do*



*proper inspection ad take necessary action
on application filed by the petitioner.*

*(ii) For breaking the illegal
construction and also stay the further
construction on the land.*

*(iii) For any other relief or relief which
petitioner is entitled according to law.”*

3. Learned counsel for the petitioner submits that a bare perusal of the different documents issued by the Circle Officer Dharaiya, Banka itself would show that the same was/were issued in favour of two brothers and the respondents are making construction on his raiyati land.

4. Learned SC-25 has taken this Court to the counter-affidavit on behalf of the respondent No. 07, the Circle Officer, Dharaiya, Banka to show that in the entire writ petition, the description of land has not been mentioned rather everywhere it is the jamabandi numbers which is/are on the record.

5. He further submits that already the petitioner had moved in CWJC No. 9187 of 2023 for cancellation of jamabandi No. 204 and 205 created in case no. 4/2002-03 passed by the respondent No. 7, after the death of his father, which was disposed of by a coordinate Bench on 07.08.2023



with liberty to move before the appropriate authority for the redressal of his grievance under BLDR Act, 2009.

6. Learned State counsel further submits that Ajay Kumar Yadav and others on whose petition the cancellation process took place have not even been made party/respondents and as such, the writ petition is fit to be dismissed for non-joinder of necessary parties.

7. At this stage, learned counsel for the petitioner submits that he will be approaching the concerned appellate authority with proper application/representation alongwith all the relevant documents so that the matter is taken to its logical conclusion.

8. Though the facts that has emerged on the basis of the submission of learned State counsel, the petitioner was not entitled for relief, since now, he has limited his prayer to approach the appropriate authority against the order passed by the Circle Officer, Dharaiya, Banka, granting the said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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