

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11476 of 2024

Janardan Singh Son of Late Shiv Paras Singh, Resident of Village- Dharauli,
Police Station- Bagen Gola, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the its Principal Secretary, Government of Bihar, Revenue and Land Reforms Department, Old Secretariate, Patna.
2. The Principal Secretary, Government of Bihar, Revenue and Land Reforms Department, Old Secretariate, Patna.
3. The Districty Magistrate cum Collector, Buxar.
4. The Additional Collector, Buxar.
5. The Sub Divisional Officer, Dumraon, Under District- Buxar.
6. The Cirlee Officer, Brahampur under, District- Buxar.
7. The Superintendent of Police, Buxar.
8. The Officer in Charge of Police Station, Bagen Gola, under District- Buxar.
9. The Mukhiya, Gram Panchayat, Kaithi, Police Station- Bagen Gola, District- Buxar.
10. The Secretary Gram Panchayat, Kaithi, Police Station- Bagen Gola, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Radha Krishna, Adv.
For the Responder/s : Mr.Government Pleader (6)

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL JUDGMENT

Date : 05-08-2024

Heard learned counsel for the parties.

*“I. The appropriate direction may be issued
to the concerned respondents-authorities
(Respondent No. 3 to 8) to comply/obey the order
dated 09.09.2023 passed by the District Officer ,
Buxar cum Second Appellate Authority, Public
Complain Redressal (Respondent No. 3) in Appeal
No. 530110109022307344/2A as contained*



Annexure - P/3 in this writ petition, whereby the direction have been issued by the Respondent No. 3 to remove the Brike Soling Rasta upon the Raiyati land of the petitioner Janardan Singh i.e. Khata No. 99, Plot No. 572/3213, Area 0.3 decimals and Plot No. 271/3171, Area 0.4 decimals of mauza-Dharauli, revenue thana no. 264, Anchal - Brahampur, Police Station Brahampur, New Police Station - Bagen Gola, District - Buxar.”

2. Learned counsel for the petitioner submits that the land bearing Khata No. 99, Plot No. 572/3213 area 3 decimal, Plot No. 271 area 4 decimal and Plot No. 572 area 19 decimal i.e. total 26 decimals of Mauza -Dharauli, revenue Thana no. 264, Police Station - Brahampur, New Police Station - Bagen Gola, District - Buxar is purchased land of Shiv Paras Singh (Father of the Petitioner) from legal owner Hira Singh son of Ujagir Singh through registered Sale Deed no. 2008 dated 09. 04.1977 with permission of the Consolidation Officer, Brahmpur in Case No. 1296 of 1976-1977 dated 5. 4. 1977 and the petitioner along with his family members came in right, title and interest over the purchased land and is paying the rent to the Government of Bihar.

3. He further submits that the brick-soling Rasta has been constructed on the Raiyati land of the petitioner by the Mukhiya of Gram Panchayat Kaithi (Respondent No.7) and



Secretary of Gram Panchayat Kaithi (Respondent No.8) through government fund without any notice and consent as also without permission of the petitioner. Being aggrieved by the same, the petitioner filed an application bearing application no. 530110109022307344 dated 09.02.2023 before the Sub-Divisional Officer, Dumraon which was rejected vide order dated 17.04.2023. Thereafter, the petitioner again filed appeal case no. 530110109022307344/1A dated 25.04.2023 before the Additional Collector, Buxar which was also dropped on 19.05.2023.

4. Learned counsel for the petitioner further submits that the petitioner yet again filed Appeal No. 530110109022307344/2A dated 01.07.2023 against the aforesaid order dated 19.05.2023 before the District Officer, Buxar in which a report was called for from the Sub-Divisional Officer, Dumaron and after hearing the parties, the proceeding was disposed of vide order dated 09.09.2023.

5. Learned counsel for the petitioner again points out that for compliance of the aforesaid order dated 09.09.2023 passed by the District Officer, Buxar cum Second Appellate Authority, Public Complain Redressal, the petitioner filed an application dated 22.11.2023 before the District Officer, Buxar



cum Second Appellate Authority, Public Complain Redressal in Appeal No. 530110109022307344/2A but, the same is still pending.

6. Finally, learned counsel for the petitioner seeks a direction upon the Sub-Divisional Officer, Dumraon, Dist. Buxar to comply the order dated 09.09.2023 passed by the District Officer, Buxar cum Second Appellate Authority, Public Complain Redressal as well as for disposal of the application dated 22.11.2023 which is also pending consideration before him.

7. Per contra, the learned counsel for the respondent-State submits that in case the aforesaid application/representation dated 22.11.2023 is still pending, the same may be disposed of, within a stipulated time frame, as is fixed by this Hon'ble Court.

8. Having heard learned counsel for the parties as also upon going through the entire records of this case, this Court, in the interest of justice, deems it fit and proper to direct the Sub-Divisional Officer, Dumraon, Dist. Buxar/Respondent No.5 to comply the order dated 09.09.2023 passed by the District Officer, Buxar cum Second Appellate Authority, Public Complain Redressal in accordance with law within a period of



six weeks from the date of receipt/production of a copy of this order. The Sub-Divisional Officer, Dumraon, Dist. Buxar/Respondent No.5 is also directed to dispose of the application dated 22.11.2023 pending before him within the same time-frame of six weeks.

9. With the aforesaid observation/direction, this writ application is disposed of.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.08.2024
Transmission Date	

