

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13021 of 2024

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1. Tanvir Alam Son of Late Abdul Jalil, resident of Ward no. 09, Sarwally, Baraidgah, P.S. Amour, District- Purnea.
 2. Quaisar Alam, Son of Israil, resident of Ward no. 09, Sarwally, Baraidgah, P.S. Amour, District- Purnea.
 3. Muntasir, Son of Israil, resident of Ward no. 09, Sarwally, Baraidgah, P.S. Amour, District- Purnea.
 4. Muntazir Son of Israil, resident of Ward no. 09, Sarwally, Baraidgah, P.S. Amour, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. The District Magistrate, Purnea.
3. The Sub- Divisional Officer, Baisi, Purnea.
4. The Circle Officer, Amour, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Fazle Karim, Advocate
For the Respondent/s : Mr. Manoj Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-09-2024 Heard Mr. Md. Fazle Karim, learned Advocate for the
petitioner and the learned Advocate for the State.

2. The petitioner while filing the present writ petition seeking a direction upon the respondents not to disturb the peaceful possession of the petitioner over their land without there being any order passed by the competent authority.

3. Learned Advocate for the petitioner contended that vide Bandobasti Case No. 36/07-08 the father of the petitioner no. 1 got 76 decimals of land whereas, the petitioner no. 2 and 4



got 43 decimals land. The particulars of the land has been duly mentioned in paragraph no. 3 to the writ petition. After the settlement of the land, the petitioners have been coming in peaceful possession and cultivating the land. Despite the aforesaid fact, one Kumar Sayeed filed a complaint before the Public Grievance Redressal Officer, seeking a direction for return of the land to him, which application was disposed of with a clear direction that the land in question cannot be returned.

4. The complainant on being aggrieved, preferred appeal, the same was also disposed of. The complainant also approached before the DCLR, Baisi. Having considered the grievance of the complainant, the learned DCLR, Baisi vide his letter no. 720 dated 12.05.2018 found his claim to be wrong and baseless.

5. Adverting to the aforesaid fact, learned Advocate for the petitioner thus contended that though the claim of the complainant has been found to be baseless, but all on a sudden the petitioners have been restrained by the respondent no. 4 in cultivating over the land in question.

6. Despite every efforts of the petitioner, the reason for restraint has not been disclosed, compelling them to



approach before this Court.

7. On the other hand, the learned Advocate for the State submitted that no chit of paper has been brought on record and only on apprehension of restraintment and threat of dispossession, the petitioner has filed the present writ petition, and, as such, not maintainable.

8. Be that as it may, considering the nature of the grievance of the petitioner, the writ petition stands disposed off with a liberty to the petitioner to approach before the respondent no. 2 by filing an appropriate application. If such an application is filed within a period of two weeks from today, the respondent no. 2 shall consider the same and pass a reasoned order, within a further period of twelve weeks after getting a report from the concerned Circle Officer, Amour, Purnea.

(Harish Kumar, J)

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