

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11435 of 2023

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Raj Ballabh Rajak son of Tribhuvan Rajak, Resident of Village-Bansipur,
P.O.-Surajgarha, P.S.-Mednichouki, District-Lakhisarai.

... .. Petitioner/s

Versus

1. District Magistrate, District-Lakhisarai District-Lakhisarai.
2. Sub Divisional Magistrate, District-Lakhisarai.
3. Circle Officer, Surajgarha, District-Lakhisarai.
4. District Land Acquisition Officer, District-Lakhisarai.
5. Manorma Devi, w/o Satyanarayan Mishra, Resident of Village-Bansipur,
P.S.-Mednichouki, District-Lakhisarai.
6. Pankaj Mishra, Resident of Village-Bansipur, P.S.-Mednichouki, District-
Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nidhi Anand, Advocate Ms. Suruchi Anand, Advocate
For the State	:	Mr. Manoj Kumar Sinha, A.C. to S.C.-19
For the Private Resp.	:	Mr. Suman Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-04-2024 Heard Mr. Nidhi Anand, learned Counsel for the

petitioner duly assisted by Ms. Suruchi Anand, Mr. Manoj

Kumar Sinha, learned A.C. to S.C.-19 as also Mr. Suman Kumar

Mishra, learned Counsel appearing on behalf of the respondent

no. 6.

2. The present petition has been preferred for the
following reliefs:-

*(i) for issuance of writ in the nature of
mandamus or any other appropriate writ for
commanding/directing the respondent to provide*



the petitioner's wife a full fledged right regarding the land i.e. Mauja/Police Station No.- Bansipur-49, KhataNo.-40. KeshraNo.-62, Rakwa-2.5D;

(ii) for issuance of writ in the nature of mandamus or any other appropriate writ for command/directing the respondent to ignore the procedural lapse on the part of seller (respondent no.-05) regarding the section 12 of Bihar Privileged Homestead Tenancy Act, 1947;

(iii) for issuance of writ in the nature of certiorari or any other appropriate writ to quash the Letter No. 2331 dated 27/12/2022 issued by Circle Officer, Suryagardha, wherein the petitioner has been wrongly situated and has been directed to stop any construction work on land which is in question;

(iv) for issuance of writ in the nature of mandamus or any other appropriate writ for commanding/directing the Circle Officer, Suryagardha to first enquire into the matter after giving chance of hearing to each party i.e. the seller, purchaser and the complainant before taking



any action and before issuing any notice and also to quickly dispose, if any grievance exists.

2. Learned Counsel for the petitioner submits that despite notice issued by the Circle Officer, Suryagardha, Lakhisarai vide memo no. 2331 dated 17.12.2022, the petition preferred by him is not being considered.

3. Learned State Counsel submits that when notice has been issued to him, the Circle Officer, Suryagardha is duty bound to hear him before an appropriate order is passed.

4. Learned Counsel appearing on behalf of the Pankaj Mishra (the complainant) also concurs that once notice has been issued in his name in view of his claim that he has purchased the land in the name of his wife, Anisha Kumari, they have to given hearing before an order is passed.

5. Considering the aforesaid facts, the writ petition stands disposed of with a direction to the Circle Officer, Suryagardha to hear all the concerned parties including the petitioner, his wife before a final order is passed.

6. This order is being passed taking into consideration as also the submissions put forward by the parties that the matter is still pending.

7. The writ petition stands disposed of.



8. Before parting, this Court would like to put on record its word of appreciation for Mr. Nidhi Anand and Ms. Suruchi Anand, learned counsels appearing for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

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