

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12216 of 2024

Vijendra Kumar S/o Late Devendra Ray Resident of Village-Saguna, P.S.-
Danapur, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Magistrate, Danapur, P.S.- Danapur, District- Patna.
4. The Deputy Commissioner Land Reforms, Danapur, P.S.- Danapur, District- Patna.
5. The Circle Officer, Danapur, P.S.- Danapur, District- Patna.
6. The Assistant Statistical Officer, Khagaul Nagar Parishad, Patna.
7. The Executive Officer, Nagar Parishad, Danapur, Patna.
8. The Additional District Magistrate, Law and Order, Patna.
9. The Station House Officer, Danapur, Patna.
10. The Assistant Superintendent of Police, Danapur, Patna.
11. The Senior Superintendent of Police, Danapur, Patna.
12. The Deputy Superintendent of Police, Police Line, Patna.
13. Ajay Kumar Son of Late Ram Chandra Ram Resident of Flat No. 804, Narmada-4, D-6, D.D.A. Flat, Vasant Kunj, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Shahbaj Alam, Advocate
For the State	:	Mr. Sanjay Kumar, Advocate
For the N.P. Danapur	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 20-08-2024

Heard Mr. Ansul, learned counsel for the petitioner and Mr. Sanjay Kumar, learned counsel for the State. The Nagar Parishad, Danapur is represented by Mr. Ashok Kumar, learned counsel.

2. The petitioner is aggrieved by the order as contained in letter no. 926 dated 19.07.2024, issued under the



signature of respondent no.3, whereby a request was made to other official respondents to demolish the shop and house of the petitioner with the help of JCB, which is said to be in complete violation of the process of execution as provided under Section 15(7) of the Bihar Land Dispute Resolution Act, 2009.

3. Learned counsel for the petitioner contended that because of unauthorized and illegal demolition of the shops and house, the petitioner has suffered a huge loss in crores and, as such, he also prayed for compensation of appropriate amount for the loss incurred due to destruction of the shop and house.

4. Instead of delving into the facts of the case, learned counsel for the petitioner further contended that on the *mala fide* initiatives of private respondent, the longstanding Jamabandi in favour of the petitioner and his raiyat holders were cancelled on 05.01.2024. Aggrieved by the order of cancellation, the petitioner has preferred revision before the Divisional Commissioner, Patna vide Jamabandi Cancellation Revision No. 97/2024-25. The private respondent simultaneously also moved before the DCLR, Danapur for possession and removing the encroachment over the land in question vide Land Dispute Case No. 34/2023-24, wherein the DCLR, Danapur has passed an *ex parte* order against the petitioner on 10.07.2024.

5. Learned counsel for the petitioner adverting to the



aforesaid facts, contended that pursuant to the order dated 10.07.2024, respondent no.3, has directed the official respondents to remove the shop and house of the petitioner and pursuant thereto, major portion of the house and shop of the petitioner were demolished on 22.07.2024 in presence of the Circle Officer and the Executive Magistrate.

6. Learned counsel for the petitioner assailing the action of the respondent(s) has submitted that entire demolition is wholly illegal and in contrary to the provision of Sections 15(1) and 15(7)(a)(b) of the Bihar Land Dispute Resolution Act, 2009. He has also relied upon a judgment rendered by a Division Bench of this Court in **Ramowtar Lakhotia v. State of Bihar and Others [2024 (3) BLJ 329]**, wherein the learned Division Bench of this Court while striking down the impugned Section 9(1) of the Bihar Land Mutation Act, 2011 and the relevant rules to the extent it confers power upon the Additional Collector to dispossess the person whose Jamabandi has been cancelled, has held that Additional Collector and the other authorities are not empowered to interfere with the possession in a casual and cavalier manner. It is for the Civil Court of competent jurisdiction, who can pass the order for dispossession of a person.

7. Be that as it may, since the petitioner has preferred revision before the Divisional Commissioner, Patna and taking



note of the entire facts, the Divisional Commissioner has stayed the operation of the order dated 10.07.2024 and the matter is pending for final adjudication, thus, the submission of the petitioner that the issue of compensation may be decided by this Court, as on account of unauthorized and illegal act of the official respondents, the petitioner has suffered huge loss in crores, does not appeal to this Court.

8. The matter is pending before the Divisional Commissioner, Patna in Jamabandi Cancellation Revision No. 97/2024-25., this Court deems it fit and proper to dispose of the writ petition with a direction to the petitioner to raise all the plea before the Divisional Commissioner, Patna in Jamabandi Cancellation Revision No. 97/2024-25, who shall consider the same while passing the final order.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21-08-2024
Transmission Date	

