

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16354 of 2022

=====

Lalit Safi S/o Uttim Safi Resident of Village- Kalikapur Bardepur Tola, P.S.
Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Madhubani.
4. The Anchal Adhikari, Kaluahi Anchal, District- Madhubani.
5. The Circle Inspector, Kaluahi Anchal Office, Madhubani.
6. The Halkakarmachari, Anchal Office, Kaluahi, District- Madhubani.
7. Rita Devi W/o Amrendra Safi resident of Village- Kalikapur Bardepur Tola, P.S.- Khajauli, District- Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Md. Khurshid Alam, AAG-12
For the Resp. No. 7	:	Mr. Deepak Kumar
		Mr. Ajay Kumar Prasad, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-09-2024

Heard Mr. Vijay Kumar, learned counsel for the petitioner and Mr. Khurshid Alam, AAG-12, learned counsel for the State as well as Mr. Deepak Kumar, learned counsel for the private Respondent No. 7.

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

“(i) For a direction to the Respondent-State not to disturb the possession of this petitioner over the land



in question i.e. C.S.P. No. 1654, an area 1 Katha 8 Dhurs of Muaza- Kalikapur, Anchal- Kaluahi within the district of Madhubani, over which the petitioner, with his family members are living since the time immemorial after taking it in their possession by the forefathers of this petitioner.

(ii) For a further direction, to the Respondents to settle the aforesaid piece of land in favour of this petitioner as he is fulfilling all the criterias made in this regard as while at one hand he is a privileged person, belonging to Schedule Caste community, on the other, he has acquired his right and title over it by way of adverse possession.

(iii) For any other relief or reliefs, the petitioner is entitled for.”

3. It appears from the writ petition that the petitioner has sought relief in the writ petition as mentioned aforesaid and petitioner has sought relief for a direction to the respondent authority not to disturb the possession over the land in question i.e. C.S.P. No. 1654, an area 1 Katha 8 Dhurs of Mauza- Kalikapur, Anchal- Kaluahi within the district of Madhubani.



4. Learned counsel for the State has taken a preliminary objection that before approaching this Court, the petitioner has not approached the respondent concerned, the petitioner has directly moved before this Hon’ble Court and seeking mandamus upon the respondents.

5. It appears that the respondents had taken a valid/reasonable objection with respect to maintainability of the writ petition on the ground that without approaching the respondent-authority, the petitioner has directly approached this Hon’ble Court.

6. In view of the aforesaid, there is no merit in the writ petition. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.10.2024
Transmission Date	N.A.

