

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13569 of 2024

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Baikunth Bihari Sharan, son of Ramchandra Sharan, resident of Village and P.O.- Katarmala, P.S.- Goraul, District- Vaishali, Bihar- 844114.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Land Reforms, Government of Bihar, Patna.
2. The Collector, at Muzaffarpur, District- Muzaffarpur.
3. The S.S.P., at Muzaffarpur, District- Muzaffarpur.
4. The Circle Officer, at Sakara, District- Muzaffarpur.
5. The S.H.O, Sakara, District- Muzaffarpur.
6. Sri Kusheshwar Das, son of Fakira Das, resident of Village and P.O. Majhauria, P.S.- Sakra, District- Muzaffarpur.
7. Mohanlal Mahto, son of Sitaram Mahto, resident of village and P.O.- Majhauria, P.S.- Sakra, District- Muzaffarpur.
8. Ganesh Prasad, son of Raghunath Mahto, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
9. Anandlal Prasad, son of Late Bunilal Mahto, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
10. Satyanarain Mahto, son of Late Ramlalit Mahto, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
11. Rajan, son of Janak Prasad, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
12. Sonelal Paswan, son of Ramruch Paswan, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
13. Nandkishore Prasad, son of Late Ramlalit Mahto, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
14. Jhameli Mahto, son of Janak Mahto, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
15. Sanjeev Kumar, son of Sri Vishwanath Prasad, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.
16. Shankar Prasad, son of Chalitra Prasad, resident of village- Majhauria, P.O.- Chandanpatti, P.S.- Sakra, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr. Standing Counsel (13)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER



2 19-09-2024 Heard Mr. Jitendra Kumar Giri, learned counsel for the petitioner and learned counsel for the State.

2. The petitioner by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution, has preferred the instant writ petition seeking a direction upon the respondents for restoration of the lands to physical possession of the petitioner falling within Mauza Majhulia, P.S.-Sakra, District-Muzaffarpur, which has been illegally encroached/taken into physical possession by the private respondents despite the Title Suit no. 432 of 2011 filed by the private respondents got dismissed for default due to non-prosecution on 05.11.2018.

3. From the averments made in the writ petition as well as the relief(s) sought for, *prima facie*, it appears to be a private dispute and for which a writ of mandamus cannot be applicable. Suffice it to say that a writ of mandamus can be issued only when any public authority exercises its duty unlawfully and refuses to exercise its duty which has been statutorily assigned upon them.

4. However, after some arguments, learned counsel for the petitioner seeks permission to approach before respondent no.2, the Collector, Muzaffarpur, for redressal of his



grievance.

5. In view thereof, the present writ petition stands disposed off with the liberty aforesaid.

(Harish Kumar, J)

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