

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14669 of 2024

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Bhushan Kumar, son of Shri Vinay Prasad @ Vinay Prasad @ Vinay Kumar Prasad, Resident of village- Deep Paschimi Dip, P.S.-Jhanjharpur, District Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Bihar Land Reforms and Revenue Department, Government of Bihar, Patna.
2. The Collector, Madhubani
3. The Additional Collector, Land Reforms, Madhubani.
4. The Deputy Collector, Land Reforms Jhanjharpur, Madhubani,
5. The Sub-Divisional Officer, Jhanjharpur, Madhubani,
6. The Circle Officer, Lakhnaur, Madhubani,
7. The Circle Amin Lakhnaur Madhubani,
8. The Revenue Clerk-cum-Panchayat Secretary, Lakhnaur, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Standing Counsel (13)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2024 Heard Mr. Vinod Kumar, learned Advocate for the petitioner and the learned Standing Counsel No. 13.

2. The petitioner is aggrieved by the order as contained in memo no. 559 dated 29.05.2024 issued by the Circle Officer, Lakhnaur whereby the petitioner has been restrained from making any construction over the land in question, in view of the report of Halka Revenue Clerk that the land is in the nature of pokhar Bhinda Raiyat Gairmajarua khas



Sairat.

3. Learned Advocate for the petitioner contended that the land in question was duly purchased through a registered sale deed on 28.03.2012 and the same has been mutated in the name of the petitioner on 09.10.2012 itself. However, in course of construction of the house over the land in question on the instigation of some unscrupulous person, the impugned order came to be passed by the Circle Officer.

4. Drawing the attention of this Court to the report of Halka Karmchari, the copy of which has been brought on record by way of Annexure P/7 as contained in letter no. 475 dated 04.05.2013, learned Advocate for the petitioner further contended that the Halka Karmchari has given a crystal clear report that the land in question belongs to the petitioner. It is also the contention of the petitioner that in response to the impugned order dated 29.05.2024, directing the petitioner to appear before the Circle Officer and place his stand, the petitioner has also filed a detailed explanation on 25.06.2024, the copy of which is also marked as Annexure P/11; but the same has neither been considered and disposed off, nor the petitioner has been allowed to construct the house over the land in question.



6. Learned Government Pleader, representing the State submits that since the matter is pending before the Circle Officer, Lakhnaur who is the competent authority to consider the explanation of the petitioner and pass necessary orders.

7. Having considered the rival submissions and taking note of the averments made in the writ petition, as well as the report of Halka Karmchari, this Court deems it fit and proper to direct the Circle Officer, Lakhnaur (respondent no. 6) to consider the explanation of the petitioner in the light of the report of Halka Karmchari *qua* the revenue record and dispose of the same preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. Suffice it to say that the concerned respondent shall abide by the time stipulated by this Court as the impugned order is *per se* interdicting in the further construction of the house of the petitioner.

(Harish Kumar, J)

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