

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13921 of 2023

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Rajesh Kumar Sinha S/o Shyam Sundar Prasad, R/o Mohalla - I.T.I Jai Prakash Nagar, Ward no. - 31, Bettiah, P.O. and P.S. - Bettiah (Town), Dist. - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Govt. of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Land reform Deputy Collector, Bettiah-cum- Manager, Bettiah Estate, Bettiah, West Champaran.
4. The Birendra Kumar, S/o not known, The L.R.D.C, Bettiah - Cum-Manager, Bettiah Estate, Bettiah, West Champaran.
5. The Circle Officer, Bettiah Sadar, West Champaran.
6. The Divisional Commissioner, Tirhut Division, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 5 16-07-2024 1. At the outset, the learned counsel for the petitioner seeks permission to add Divisional Commissioner, Tirhut Division, Muzaffarpur, as party respondent no.6 to the present writ petition. Permission so sought is granted. Needful be done during the course of the day.
2. The present writ petition has been filed seeking the following relief(s):-

“1(a) For issuance of an appropriate order / or orders, direction / or directions in the nature of Mandamus commanding and directing the



respondents Principal Secretary and District Magistrate, West Champaran, at Bettiah, to take immediate action against the respondents no. 3 to 5 those have, even without compliance of natural justice and without initiation of any proceeding under the law as well as measurement of land, in very mala-fide motive and arbitrary manner demolished the half portion of the house of petitioner through Bulldozer, situated on khata no. 20 khesara no. 324 area 3 katha 17 dhurs, in Mohalla.- I.T.I Jai Prakash Nagar, Ward no.- 31, Bettiah, West Chamaran.

(b) For issuance of an appropriate order / or orders, direction / or directions, restraining the respondents specially resp. no. 3 to 5 to not demolish the rest house of the petitioner as they are giving threat for demolition of entire house of the petitioner through their officials and due to day to day threat the petitioner and his family members are in serious fear for their life and house.

(c) For issuance of an appropriate writ / or writs, order / or orders, direction / or direction in the nature of Mandamus directing the respondents to pay compensation of Rs. 5 lakhs for demolition of house of the petitioner as the same action has been adopted by the respondents without any authority of law and demolish the same in very mala-fide manner.



(d) For declaration that action of respondent's concern is wholly illegal, arbitrary and abdication of their administrative power which is not sustainable in the eye of law."

3. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Divisional Commissioner, Tirhut Division, Muzaffarpur for redressal of his aforesaid grievances. Liberty so sought is granted.

4. It is needless to state that in case appropriate petition is filed, by the petitioner, before the Divisional Commissioner, Tirhut Division, Muzaffarpur, within a period of four weeks from today, the same shall be considered, in accordance with law and a reasoned and a speaking order shall be passed, thereon, after making due inquiry, within a period of eight weeks, thereafter.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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