

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16469 of 2023

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1. Bharat Singh Bharti S/o- Late Yugal Kishore Ray R/o Village- Manikpur, Mushahania, P.S- Parihar, District- Sitamarhi.
 2. Geeta Bharti, W/o- Bharat Singh Bharti R/o Village- Manikpur, Mushahania, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary cum Commissioner Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The Secretary cum Commissioner, Revenue and Land Reforms Department Govt. of Bihar, Patna.
3. The Commissioners, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarhi.
5. The Additional District Magistrate, Sitamarhi.
6. The Dy. Collector Land Reforms, Sadar, Sitamarhi.
7. The Circle Officer, Rega, Sitamarhi.
8. The Chairman, Nagar Vikas Awam Udyan Samiti, (Sitakunj), Sitamarhi.
9. The Secretary, Nagar Vikas Awam Udyan Samiti, (Sitakunj), Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-10-2024 The present writ petition has been filed
seeking the following relief:-

*“1(i) For issuance of a writ, order
or direction in the nature of
Certiorari for setting aside the order
dated 12.11.2014, passed by the
Respondent No. 4, the District
Magistrate, Sitamarhi, without*



taking into consideration the recommendation of the Circle Officer Rega, Sitamarhi (Respondent No. 7), passed vide order dated 19.01.2005, in Misc. Case No. 02 of 2004-05.

(ii) For issuance of writ, order or direction in the nature of Mandamus or any other appropriate writ commanding the respondent state authorities (respondent nos. 03 and 04) to consider the matter of settlement of Khas Mahal land with the petitioners, over which Sitakunj marketing complex is situated and since the year 2004-05, the petitioners are in continued possession of the shops and are also paying rent.

(iii) For issuance of a writ, order or direction in nature of Mandamus or any other appropriate writ for restraining the respondents from dispossessing the petitioners from the shops situated in the aforesaid shopping complex.

(iv) For holding that the samiti is not entitled to collect the rent of the shops situated in the aforesaid



marketing complex, since the land in question is a Khas Mahal land, vested in the State Government.

(v) For holding that action of the Samiti in collecting the rent from the petitioners and other similarly situated shopkeepers is wholly illegal, arbitrary as well as fraudulent in as much as the Samiti is neither authorized nor competent to enter into a lease agreement with the petitioners."

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to approach the concerned Civil Court of competent jurisdiction for the purposes of filing a civil suit, for redressal of the aforesaid grievances. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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