

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17322 of 2024

Devendra Kumar Sharma S/o Late Suresh Sharma, Resident of Village-Babhanpura, Gonepura Road, Durga Kali Niwash, P.S.-Phulwari Sharif, District-Patna. Also at Village-Sigariawan, P.S.-Shahjahnpur, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar.
2. The Deputy Collector, Land Reforms, Patna City.
3. The Circle Officer, Daniawan, District-Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station In-Charge, Shahjahanpur Thana, Patna.
6. Om Prakash Paswan, S/o Late Raj Kumar Paswan, R/o-Village-Sigariawan, P.S.-Shahjahanpur, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Government Pleader 14

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-11-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

(I) For issuance of appropriate order/s, direction/s including a writ preferably in the nature of MANDAMUS directing the Respondents to immediately restore the possession of the personal immovable property of the petitioner acquired vide a Gift Deed dated 15.02.1988 by his late wife Chandra Mani Devi, having a total area of 15.5 Decimals and situated at Mauza- Rampur Sigariyawan, P.S.- Fatwah at present P.S. Shahjahanpur, District Patna bearing Khata nol 401, Khesra number 1449, Tauzi



Number-451 and bounded by as follows- North- Tetar Gope, South- Dinest Singh, East- Shukan in Paswan and West- Moti Gope, which is at present under the illegal possession of Respondent Number 6.

(II) For the issuance of appropriate orders/directions, including a writ preferably in the nature of MANDAMUS, directing Respondent Number 3 to immediately appoint an amin to measure and demarcate the Petitioner's plot of land, restore it to his possession, and ensure that the private Respondent, i.e. Respondent Number 6 does not acquire illegal possession of the said land again.

(III) For the issuance of appropriate orders/directions, including a writ preferably in the nature of MANDAMUS, directing Respondent Numbers 4 and 5 to ensure that the Petitioner is able to enjoy unfettered and peaceful possession of his private immovable property without the threat of illegal on lam possession by Respondent Number 6.

(IV) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

2. Learned counsel for the petitioner submits through Annexure 4 to the writ petition that the land in question is in the name of the mother of Chandra Mani Devi who is the wife of the petitioner and she got the registered gift deed executed in her favour through her mother (Lukhan Kunwar).



He further submits that petitioner has only grievance that his possession was being disturbed by Respondent No. 6. though, the order dated 22.11.2023 passed by DCLR, Patna City whereby it was directed that the possession of the petitioner be restored on the land in question, but the aforesaid order has not been complied till date. He further submits that petitioner has also submitted through Annexure -5 that the petitioner has approached before the District Magistrate, Patna. Even, petitioner has also approached before the Circle Officer, Daniawan, Patna, but there is no averment with regard to official receipts of the said representations.

3. Learned counsel for the State submits that petitioner is aggrieved by non-compliance of the order passed by DCLR, Patna City, however no representation has been made by the petitioner for the execution of order of DCLR, Patna City and no copy of the official receipt has been attached to the writ petition.

4. In the light of the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to represent his grievance before appropriate forum within six weeks from the date of receipt of the this order. If such representation is filed within the stipulated period, the



concerned authority is directed to pass appropriate order expeditiously preferably within eight weeks from the date of his representation.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.11.2024.
Transmission Date	N/A

