

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18434 of 2024

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Musmat Kanti Devi W/o Late Dev Narayan Singh, resident of Village-Mathawa, P.O.-Hardi, P.S.-Kathaiya, Anchal-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector cum District Magistrate, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. The Deputy Collector Land Reforms, West, Muzaffarpur.
6. The Sub Divisional Officer (West), Muzaffarpur.
7. The Circle Officer, Motipur, District-Muzaffarpur.
8. The Officer in Charge, Kathaiya Police Station, District-Muzaffarpur.
9. Ram Narayan Singh, Son of Late Haridwar Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
10. Satrudhan Singh, Son of Late Haridwar Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
11. Bindhyachal Singh S/o Late Haridwar Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
12. Awadh Kishore Singh, Son of Late Haridwar Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
13. Devendra Singh, Son of Late Nawab Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
14. Kaushalya Devi, W/o Late Raj Narayan Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
15. Niraj Singh, Son of Shivshankar Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
16. Rahul Singh, son of Shivshankar Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
17. Mithesh Dev, W/o Late Surendra Singh, resident of Village-Mathawa, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
18. Bharat Singh, S/o Rawti Sahani, resident of Village-Bagmara, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
19. Bhutta Singh, son of Rawti Singh, resident of Village-Bagmara, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
20. Dhurandhar Mahto, s/o Sanful Mahto, resident of Village-Bagmara, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.
21. Shiv Pujan Sahani, S/o Rawti Sahani, resident of Village-Bagmara, Post-Hardi, P.S.-Athaiya, District-Muzaffarpur.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.
For the State : Mr.Madan Mohan, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 10-12-2024

Heard the parties.

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

For issuance of an appropriate writ/ writs in the nature of writ of mandamus or any other writ, order or direction commanding upon the respondents No. 2 to 6 to provide due protection to the petitioner for her life and property and oust the unlawful elements who are crating disturbances and giving threat to the petitioner and her family members' peaceful and continuous possession since long in respect of her gifted land by Government of Bihar bearing Khata No. 115/38, Khesara Nos. 284, 303, 305, 2039, 2043, 2074 Total area 1.87 decimal of lands situated at mauja Mathwa within Motipur Anchal, P.S.- Kathaiya (Baruraj) District- Muzaffarpur.

3. Learned counsel for the petitioner submits that petitioner's husband was an Ex Army man and after his retirement land bearing Khata No. 115/38, Khesara Nos. 284, 303, 305, 2039, 2043, 2074 Total area 1.87 decimal situated at mauja Mathwa within Motipur Anchal, P.S.- Kathaiya (Baruraj) District- Muzaffarpur has been gifted to him by the State



Government and accordingly, husband of petitioner came in peaceful possession over the land in question and rent receipt has been issued in his favour. He further submits that husband of petitioner has been cultivating the land without any hindrance/obstruction from any sort of quarters and using the usufructs each and every year and after death of husband of petitioner some ante social elements of the same village are creating trouble in cultivating crops standing over the gifted land of the petitioner and wants to dispossess the petitioner who has no title over the same nor any right and interest. He further submits that petitioner has filed her representation before the Circle Officer, Motipur, Muzaffarpur on 10.09.2024 (Annexure-2) to provide protection of life and property and remove the encroachment from the land in question. Petitioner also filed her representation before the District Magistrate, Muzaffarpur on 10.09.2024 (Annexure-3) for redressal of her grievance. He further submits that Petitioner has also represented before the Commissioner, Tirhut Division, Muzaffarpur (Annexure-P/4) for redressal of her grievance but no step has been taken by the concerned authority as yet and hence, petitioner has approached this court for redressal of her grievance.

4. Learned counsel for the State submits that it is



a matter of record and he does not say anything in this regard. Learned counsel, however, submits that if petitioner files fresh representation before the respondent no. 7/ the Circle Officer, Motipur, District-Muzaffarpur, the concerned authority shall look into the matter.

5. Considering the facts and circumstances of the case as well as submissions of the parties, the present writ petition stands disposed of with direction to petitioner to file fresh representation before respondent no. 7/ the Circle Officer, Motipur, District-Muzaffarpur within a period of four weeks from the date of receipt of this order. If petitioner raises her grievance before the concerned Circle Officer by filing representation within the stipulated period, the concerned Circle Officer shall pass appropriate order on the representation of the petitioner in accordance with law after giving due opportunity of hearing to the petitioner within a reasonable time.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.12.2024
Transmission Date	N.A.

