

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1471 of 2024

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Surbhi Devi Wife of Suresh Prasad, Resident of Mohalla- Bara Telpa Chauk,
P.O- Chapra, P.S.- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The Commissioner Saran Division, Saran at Chapra.
6. The District Magistrate, Saran at Chapra, District- Saran.
7. The Additional District Magistrate, Saran at Chapra, District- Saran.
8. The Deputy Collector Land Reforms (DCLR), Chapra Sadar, Saran at Chapra, District- Saran.
9. The Sub-Divisional Officer, Chapra Sadar, Saran at Chapra, District- Saran.
10. The Circle Officer, Garkha, District- Saran.
11. The Station House Officer (SHO), Garkha Police Station, District- Saran.
12. Barma Giri, Son of Mahatma Giri, Resident of Village- Bhainsmara, P.S.- Garkha, District- Saran.
13. Uma Shankar Giri, Son of Late Vidya Sagar Giri, Resident of Village- Bhainsmara, P.S.- Garkha, District- Saran.
14. Ramashankar Giri, Son of Late Vidya Sagar Giri, Resident of Village- Bhainsmara, P.S.- Garkha, District- Saran.
15. Mishri Rai, Son of Late Judagiri Rai, Resident of Village- Bhainsmara, P.S.- Garkha, District- Saran.
16. Tunna Singh, Son of Late Surendra Singh, Resident of Mohalla- Gandhi Chauk Purana Cold Storage, P.O- Chapra, P.S.- Chapra Town, District- Saran.
17. Babulal Manjhai, Son of Late Dasrath Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.
18. Shivji Manjhi, Son of Late Dasrath Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.
19. Nankhu Manjhi, Son of Late Dasrath Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.
20. Acchelal Manjhi, Son of Late Dasrath Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.
21. Mani Bhushan Kumar @ Bhig Manjhi, Son of Late Umesh Manjhi, Resident



of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.

22. Anup Kumar @ Mulak Manjhi, Son of Late Umesh Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.
23. Vidhan Kumar, Son of Late Umesh Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.
24. Shailesh Kumar, Son of Late Umesh Manjhi, Resident of Village- Bhatkhauwa, P.O.- Paharpur, P.S.- Garkha, District- Saran.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anis Akhtar, Advocate
	:	Mr. Rananjay Kumar, Advocate
For the State	:	Mr. G.P.-23

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2024 Heard Mr. Anis Akhtar, learned counsel for the
petitioner and the State.

2. The petitioner has prayed for the following reliefs:

(i) for issuance of an appropriate writ order or direction directing the respondents particularly respondent No- 10 & 11 to carry out the measurement of land of Khata No- 24, Survey Plot No- 410 area 01-08-16 dhur land of Mauza-Bhainsmara and other directions in the light of order dated 30-06-2023 passed in Land Dispute Case No- 11/2023-24 by



learned Deputy Collector Land Reforms (DCLR), Chapra Sadar, Saran at Chapra District- Saran;

(ii) for issuance of an appropriate writ order or direction directing the respondents not to disturb the possession of petitioner over land of Khata No- 24, Survey Plot No- 410 area 01-08-16 dhur land of Mauza-Bhainsmara and further restrain them from making any construction, alienation, making third party right by creating any document detrimental to the interest of petitioner;

(iii) for issuance of an appropriate writ order or direction directing the respondents take final decision of the petition dated 26-09-2023 which was filed after depositing the necessary measurement fee in the light of order dated 30-06-



2023 passed in Land Dispute Case No- 11/2023-24 by learned Deputy Collector Land Reforms (DCLR), Chapra Sadar, Saran at Chapra District- Saran and same was received in the office of Circle Officer Garkha District- Saran on 27-09-2023;

(iv) for any relief or reliefs to which the petitioner is found entitled in the opinion of this Honble Court.

3. Learned counsel for the petitioner straight away took this Court to para-12 of the petition to show that in the Land Dispute Case No. 11/2023-24, as the private respondents chose not to appear, vide an order dated 30.6.2023, the D.C.L.R. Sadar, Chapra in Land Dispute Case No. 11/2023-24 passed a reasoned order holding that the claim of the respondents herein is without any basis and in that background, both the Circle Officer, Garkha and the Station Head Officer, Garkha were directed to get the land measured on her own payment and if other side failed to provide any document, to ensure her



possession on the land in question.

3. A counter affidavit has been filed on behalf of the respondent nos. 6 to 10 duly signed by the Circle Officer, Garkha, Saran. At this stage, learned for the petitioner submits that he do not have copy of the counter affidavit. Having checked the notice, it is found that the claim of the petitioner is correct. The reply was put on affidavit on 23.2.2024 and today on 9.5.2024 even the State do not have the copy of the counter affidavit filed by them what to say about handing over the same to the learned counsel for the petitioner.

4. In that background, the learned counsel for the petitioner, Md. Anis Akhtar is entitled to Rs. 1000/- to be paid by the office of GP-23 by 14.5.2024 and receipt has to be filed in the office immediately thereafter.

5. The Circle Officer, Garkha in the counter affidavit has elaborated that steps have already been taken to comply the order but in para-9, it has been incorporated that B.L.D.R. Appeal No. 231 of 2023 has been preferred by some of the respondents before the Court of Commissioner, Saran, Chapra, in that background, the matter has not been taken to its logical conclusion.

6. Learned counsel for the petitioner submits that to



his knowledge, even notices have not been issued. In that background, it would be appropriate the petitioner await the final outcome of the aforesaid B.L.D.R. Appeal No. 231 of 2023 presently pending before the Commissioner, Saran, Chapra.

7. Learned counsel for the petitioner undertakes that she will be immediately approaching the concerned Court so that the same is taken to its logical conclusion at the earliest.

8. The writ petition stands disposed of.

9. The matter be posted under the heading "To Be Mentioned" in the first week of July to check whether the receipt of making payment to the learned counsel for the petitioner has been filed or not.

(Rajiv Roy, J)

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