

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.213 of 2019

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Kaliash Kumar Son of Sukhdev Prasad Mahto Resident of Mohalla-Bela
Shankar,Husan Chowk,P.O. Lal Bagh,P.S. Lalit Narayan University,Distt.-
Darbhanbga,Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner,Darbhanbga,Darbhabnga Division,Darbhang
3. The District Magistrate,Darbhang
4. The Additional Collector,Darbhang cum Special Officer of SC/ST POA,
Act Darbhanga
5. The Subdivisional Magistrate Darbhanga Sadar Sub-Division,Darbhang
6. The Public Grievance Redressal Officer Additional Collector,Darbnhang
7. The Block Development officer,Supaul,Darbhang
8. The Circle Officer,Darbhang Sadar Block Darbhanga,Bihar
9. The Station House Officer,Lalit Narayan University,P.s. Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate
For the Respondent/s	:	Mr. Md.Raisul Haque, S.C.-10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2024 Heard the parties.

2. The present petition has been preferred for:

a Mandamus commanding the
respondents authorities particularly the Sub-
Divisional Magistrate Sadar Darbhanga
Respondent No. 4 to ensuring the construction of
boundary wall Land situated at Khata No. 118
Keshra-107 which direction issued by letter No.



114 dated No. 09.09.2014 contained in Annexure 4 under the signature of District Magistrate Darbhanga Respondent No. 3 whereby and where under for fund of construction of boundary wall was given to the father of petitioner by the compensation of norms of Scheduled castes and scheduled tribes (Prevention of Atrocities) Act 1989.

3. Learned Counsel appearing on behalf of the petitioner submits that he owns a house with Khata No.-118 and Kheshra No.-107. The further details is/are not available in the writ petition.

4. He has taken this Court to a document dated 09.09.2014 issued by the District Magistrate, Darbhanga directed to the Sub-Divisional Officer, Darbhanga by which the District Magistrate asked the Sub-Divisional Officer to ensure that boundary wall is constructed.

5. He submits that no action was taken forcing him to invoke writ jurisdiction.

6. Mr. Krishna Kant Singh, learned State Counsel on the basis of counter affidavit on behalf of the respondent nos. 3, 5 and 8 i.e. the Collector, Darbhanga, the Sub-Divisional



Officer, Sadar, Darbhanga as also the Circle Officer, Sadar, Darbhanga respectively has taken this Court to paragraph nos. - 7 to 9 which read as follows:-

“7. That Sukhdeo Mahto in the initial stage of Revisional Survey managed to open Khata of Quaiser-e-Hind land in his name and subsequently in the year 1998 the survey authority cancelled the name of Sukhdeo Mahto and rectified the Khatian by inserting the name of Union of India, Quaiser-e-Hind and by the order dated 10.07.2008 the name of Sukhdeo Mahto was deleted from the Register- II.

8. That it is further stated that Sukhdeo Mahto father of the petitioner filed Title Suit No. 65/1985 against state and after hearing on 22.02.1986 the learned Sub Judge, Darbhanga dismissed the case.

9. That by hiding the facts stated above Sukhdeo Mahto father of the petitioner has filed complaint to Sub Divisional Grievance Redressal Officer, Sadar, Darbhanga stating that he has received a grant of Rs. 1,27,600/- under SC & ST Act for constructing boundary wall. However the truth is that petitioner's father Sukhdeo Mahto was never in possession over the said land. The grant under SC & ST Act was given to him as compensation for criminal cases against his neighbours.”



7. His further submission is that a bare perusal of the petition would show that he wants action against persons who are disturbing him but in the list of respondents in the writ petition, the names are missing. His submission is that taking into account the facts that has come in the counter affidavit, it is clear that the petitioner wants an order in a writ petition after suppressing the important material facts relating to the case from this Court.

7. It is his further submission that Title Suit has been filed by the father of the petitioner, Sukhdeo Mahto while the son has moved this Court and it is not the case of the petitioner that Sukhdeo Mahto is now no more.

8. A counter affidavit is on record after serving copy upon the learned Counsel for the petitioner on 01.02.2024. 2 ½ months later, when the case was called out, the petitioner wanted an adjournment so that a reply is filed.

9. This Court is fully satisfied that the case is fit to be dismissed for non-joinder of necessary parties as also suppression of material facts *inasmuch* as a Title Suit has been filed by the father of the petitioner himself, as incorporated in the counter affidavit of the State, a fact which cannot be found anywhere in the writ petition.



10. The writ petition accordingly stands dismissed with a cost of Rs. 3,000/- to be deposited with the Patna High Court Legal Services Committee within a period of three weeks from today.

(Rajiv Roy, J)

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