

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1551 of 2024

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Raj Kumar Singh S/o Late Yadu Singh, Resident of Ward No. 13, Village and P.O.-Datuar, Datwar, P.S.-Khajauli, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani, District-Madhubani.
3. The Land Reform Deputy Collector, Sadar, Madhubani, P.O. and P.S.-Sadar Madhubani, District-Madhubani.
4. The Sub Divisional Officer, Sadar, Madhubani, District-Madhubani.
5. The Circle Officer, Khajauli Anchal, Madhubani, District-Madhubani.
6. The Officer in Charge, Khajauli Police Station, Madhubani, District-Madhubani.
7. Rambilas Singh @ Rambilas Mahto S/o Late Yadu Singh, Resident of Ward No. 13, Village and P.O.-Datuar, Datwar, P.S.-Khajauli, District-Madhubani.
8. Arun Kumar Singh, son of Raj Kumar Singh @ Raj Kumar Mahto, Resident of Ward No. 13, Village and P.O.-Datuar, Datwar, P.S.-Khajauli, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of following relief/s:-

“i) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents 1st set to restrain the respondent no.7 from alienating and further encroaching upon the ancestral land belonging to the petitioner's



share granted to the petitioner by virtue of order and decree dated 18.11.2002 passed in Partition suit Case No. 123 of 2002.

ii) To issue an appropriate writ/order/direction in the nature of mandamus directing the respondent 1st set to grant adequate protection to the petitioner and his family from respondent no.7 and provide adequate protection to the petitioner in constructing the boundary wall over the land of the petitioner as detailed in paragraph no.18. of the present writ application and further to protect the petitioner from being dispossessed from the said land belonging to the petitioner's share at the behest of the respondent no. 7

iii) To issue an appropriate writ/order/direction in the nature of mandamus directing the respondent 1 set to immediately remove the encroachment/obstruction made by respondent no. 7 over the Raiyati Land of the petitioner appertaining to Khatha No. 138, Khesra No. 2615 situated at Datuar Mouza, as the said land has been granted in the share of the petitioner vide order and decree dated 18.11.2002 passed in partition suit no. 123 of 2002 by the Civil Court, Madhubani.

iv) To issue an appropriate writ/order/direction in the nature of



mandamus directing the respondent no. 1" set to immediately give effect to the order dated 27.01.2023 passed in BLDR Case No. 18 of 2022-23 passed by Respondent No.3 whereby the respondent no. 3 has directed to proceed in accordance with order dated 18.11.2002 passed in partition suit no. 123 of 2002.

v) To issue an appropriate writ/order/direction in the nature of mandamus directing the Circle Officer, Khajauli, (respondent no. 4) to get the land of the petitioner share measured and demarcate the land as per the Order dated 18.11.2002 passed in Partition Suit No. 123 of 2002."

3. Learned counsel for the petitioner submits that the DCLR, Madhubani in BLDR Case No. 18 of 2023 (***Ram Bilash Singh vs. Raj Kumar Singh & Others***) has passed a positive order with direction to the Circle Officer, Khajauli to get the land measured/demarcate as per the order passed in P.S. No. 123 of 2022 by the competent Civil Court, Madhubani.

4. Though he tried to impress upon this Court that earlier representation was filed, he admits that connecting documents which should have been part of the representation may not have been filed.



5. In that background, he submits that a fresh petition alongwith all the relevant documents as also the order of the DCLR, Madhubani in BLDR Case No. 18 of 2023 dated 27.01.2023 and the order passed in Title Suit No. 123 of 2002 by the competent Civil Court, Madhubani will be part of the record which he shall be filing before the Circle Officer, Khajauli in next four weeks.

6. In case, the same is filed within the next four weeks the Circle Officer, Khajauli respondent no. 5 is duty bound to pass an appropriate order and take the matter to its logical conclusion after issuing notice to all the concerned parties.

7. The entire exercise be completed within a period of four months from the date the copy of the petition is received in his office.

8. Accordingly, the present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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