

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10368 of 2017

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Shatrughan Tiwary Son of Late Lallan Tiwary, Resident of Village Tiwary
Matihaniya, P.O. Sipaya Farm, P.S. Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna. null null
3. The District Magistrate-cum-Collector, Gopalganj, District- Gopalganj.
4. The Additional Collector, Gopalganj, District- Gopalganj.
5. The D.C.L.R. Hathua, District- Gopalganj.
6. The S.D.O. Hathua, District- Gopalganj.
7. The Circle Officer, Kateya, District Gopalganj.
8. The Revenue Staff Rajshwa Karmachari, Revenue, Village- Dharahara Mela,
Anchal- Kateya, District- null null

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard the parties.

2. The present application has been preferred for the
grant of following relief:

*(i) To be pleased to direct the respondents to
issue and deliver the rent receipts in favour of
the petitioner with respect to Khata No. 281,
Khesra No. 1351, Holding No. 297 having area
9-0-0 Bigha recorded in Register-II in the name
of the petitioner's father namely Lallan Tiwary*



son of Parikshit Tiwary, situated in village Mauza Dharahara Mela, Anchal Kateya, Thana No. 441 under District Gopalganj.

(ii) To be pleased to quash the order dated 08.09.2016 (Annexure-7) passed by the respondent Anchal Adhikari, Kateya, whereby the claim for issue rent receipts to the petitioner has been rejected by him without given any chance and hearing the petitioner and without any spot inquiry, ex-parte and illegally against the order and direction passed in C.W.J.C. No. 17606 of 2013 on 11.07.2014.

(iii) To be further pleased to quash the notice dated 03.11.2016 (Annexure-9) issued by the respondent No. 4 (the Additional Collector, Gopalganj) in Zamabandi Cancellation Case No. 04/2016-17, 39/16-17 against the dead person (petitioner's father and other persons with respect to the same disputed land for cancellation of Zamabandi No. 297) recorded in the name of dead person namely Late Lallan Tiwary son of Parikshit Tiwary (father of the



petitioner) and be pleased to quash the consequential notice dated 15.07.2013 (Annexure-1) issued by the Anchal Adhikari, Kateya, to cancel Zamabandi No. 297 recorded in Register-II in favour of the petitioner's father and its entire proceeding, if any, issued against the dead person.

(iv) To be further pleased to stay the operation of Annexure-1, 7 and 9 issued by the respondent authorities during the pendency of the writ application.

(v) Be further pleased to issuance of any other writs, orders and directions for which the petitioner is found entitled to under the facts and circumstances of the case.

3. The Circle Officer, Kateya, Gopalganj passed an order on 08.09.2016 against the petitioner, thereafter Annexure-7 of the writ petition.

4. The Court of the learned Additional Collector, Gopalganj in Zamabandi Cancellation Case No. 4 of 2016-17 (State of Bihar vs. Lallan Tiwary) issued notice to the petitioner. It is to be noted that Lallan Tiwary is the father of the petitioner.



5. Instead of presenting its case before the appropriate court, the writ petition.

6. Learned State counsel submits that the petitioner should have taken the aforesaid Zamabandi case to its logical conclusion instead of approaching the court.

7. Learned counsel for the petitioner submits that he shall be taking the aforesaid Zamabandi case to its logical conclusion.

8. If the said case still remains pending, the court concerned is duty bound to take the same to its logical conclusion after hearing all the parties.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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