

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19188 of 2017

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Shri Bhagwan Singh Son of Sri Lakshmi Narayan Singh, Resident of Village-
Marisanha, P.S. Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate-Cum-Collector, Sitamarhi, District-Sitamarhi.
5. The Deputy Collector Land Reforms, Sitamarhi Sadar, District-Sitamarhi.
6. The Circle Officer, Parihar District-Sitamarhi
7. The District Education Officer, Sitamarhi, District Sitamarhi
8. The District Programme Officer Establishment, Sitamarhi, District-Sitamarhi.
9. The Block Education Officer, parihar, District-Sitamarhi.
10. The Headmaster, Middle School, Parihar, Block-Parihar, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Smt. Divya Bharti, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2025 Heard the parties.

2. The present petition has been preferred for the
grant of following relief(s):

*(i) For issuance of an appropriate writ in the
nature of MANDAMUS, commanding and
directing the Respondent Authorities particularly
the Respondent nos. 7 to 10 to not interfere with
the peaceful possession over the land of the
petitioner bearing Khata No.2008 Khesra*



No.4312 measuring an area 0.12 decimals from east situated in Mauza- Parihar on the ground that the said land was mutated in favour of the petitioner vide order dated 19.12.2016 passed by the Circle Officer, Parihar pursuant to the order dated 24.11.2016 passed by the Collector, Sitamarhi in Misc. Appeal No.68 of 2000 which was passed on the remand by this Hon'ble Court vide order dated 21.07.2014 passed in C.W.J.C. No.6842 of 2003.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Deputy Collector Land Reforms, Sitamarhi Sadar to not entertain the appeal filed by the Respondent no.10 against the order dated 18.02.2017 passed by the Circle Officer, Parihar bearing Mutation Appeal Case No.07 of 2017-18 on the ground that the mutation was made in favour of the petitioner pursuant to the order dated 24.11.2016 passed by the Collector, Sitamarhi, therefore, appeal is not permissible under the eye of law but the



Respondent no.10 for some oblique and malafide purposes filing the frivolous cases only with a view to harass the petitioner unnecessarily.

(iii) For issuance of any other writ /writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that though earlier the ancestor of the petitioner donated some land to the School (Middle School, Parihar, Sitamarhi) the part of it (0.12 decimal) was retained by the petitioners family as such, after an order was passed by the Joint Director, Consolidation in Revision Case No. 2054 of 1984, after proper inspection/verification report, the Circle Officer, Sitamarhi vide an order dated 18.02.2017 gave direction for mutation of the said land in favour of the petitioner. He submits that the Headmaster of the School preferred appeal before the learned DCLR, Sitamarhi Sadar vide appeal no. 07 of 2017-18 in which upon notice the petitioner has appeared but the learned DCLR, Sitamarhi Sadar has not taken the matter to its logical conclusion as last informed by the petitioner to him.

4. Learned State counsel submits that the Headmaster



preferred an appeal, learned DCLR issued notice, the petitioner has filed reply, there is nothing on record to show that any decision has been taken by the said office detrimental to the cause of the petitioner necessitating the filing of the writ petition.

5. This Court finds force in the submission of the learned State Counsel, good or bad, the respondent Headmaster of the School preferred an appeal, notice was issued and the petitioner has presented his case. It is not the case of the petitioner that any decision has been taken contrary to what has been recorded by the Circle Officer, Sitamarhi. In that background and as the petitioner has no recent information, the writ petition stands disposed of directing the DCLR, Sitamarhi Sadar to take the matter (appeal no. 07 of 2017-18) to its logical conclusion, if still has not been decided within a period of two months from the date the petitioner approaches with the copy of this order.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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