

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10304 of 2025

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1. Prabhakar Tiwari Son of Late Vidhyadhar Tiwari R/o Village Sikathi, P.S Bhabua, District Kaimur at Bhabua.
 2. Diwakar Tiwari, Son of Late Vidhyadhar Tiwari, R/o Village Sikathi, P.S Bhabua, District Kaimur at Bhabua.
 3. Padmakar Tiwari, Son of Late Vidyadhar Tiwari, R/o Village Sikathi, P.S Bhabua, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through The Collector cum District Magistrate, Kaimur at Bhabua.
2. The Addl. Collector, Kaimur at Bhabua.
3. Sub-Divisional Officer, Bhabua, Kaimur at Bhabua.
4. Circle Officer, Bhabua, Kaimur at Bhabua.
5. Treasury Officer, Kaimur at Bhabua.
6. Ramanand Tiwari, Son of Late Chandan Tiwari, R/o Village Sikathi, P.S. Bhabua, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Tribhuwan Narayan, Advocate
For the Respondent/s	:	Mr.Government Pleader (19)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2025 Heard the parties.

2.The present petition has been preferred for the following relief/s:

(i) to set aside the vide letter No. 990/Judicial dated 23.06.2021 issued by the Sub-Divisional Officer, Bhabua whereby the petitioners have been restrained from participating in auction of settlement in their land in question and after setting aside the aforesaid letter direct the respondent



authorities to allow the petitioners to participate in auction of settlement of lands which had been attached under section 146 (1) of the Cr P.C. and Circle Officer, Bhabua has been appointed as receiver to manage the land in question;

(ii) to direct the respondent authorities to refund the money to the petitioners according to their share which has been deposited in treasury by the persons who have been settled the attached land in question in action, since 2021 to 2024;

(iii) to pass any such further order/orders for which petitioners are found entitled to the fact and circumstances of this case.

3. The grievance of the petitioners is that an order came to be passed by the Circle Officer, Bhabhua in the year 2021 (Annexure-P/6) and as a result, the family is on the verge of the starvation. The submission is that a proper petition was preferred before the Collector, Kaimur at Bhabhua (Annexure-P/8) on 28.04.2025 but without any response forcing them to prefer the writ petition.



4. Learned State counsel submits that the said representation is bereft of any document to support their case.

5. In that background, learned counsel for the petitioners submit that they shall be preferring a fresh petition alongwith the supporting documents within a week before the Collector, Kaimur at Bhabhua.

6. Learned State Counsel submits that in case the said petition is preferred, it will be taken to its logical conclusion.

7. Considering the limited prayer that has been made by the petitioners, the grievance is genuine, if the petitioners prefer a proper representation alongwith the supporting documents in next one week, the Collector, Kaimur at Bhabhua shall see to it that from the date the representation is preferred, the matter is taken to its logical conclusion after noticing/hearing the other parties having stake in the present land.

8. The entire exercise is to be completed within a period of three months thereafter.

(Rajiv Roy, J)

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