

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10064 of 2025

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Rajkumar Rastogi S/O Late Sarbdeo Lal Rastogi Currently resident-
Indraprashat Colony, Akhiri Bypass District-Varanasi State -Uttar Pradesh
Pincode- 221011 resident of village- Chotti Baliya P.S. and Anchal- Baliya,
District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Commissioner, Munger Division, Munger.
4. District Magistrate-cum-collector, Begusarai Distret- Begusarai.
5. Sub-Divisional Officer, Balia Distrcit- Begusarai.
6. DCLR, Balia, District- Begusarai.
7. Circle Officer, Balia, District- Begusarai.
8. Sushil Kumar Rastogi Son of Late Sarbdoe Lal Rastogi resident of village- Chotti Baliya, P.S. and Anchal-Baliya, District- Begusarai, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kr. Singh, Adv. Mr. Alka Singh, Adv.
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA -07

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2025 Heard the parties.

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

*(i) That the present writ
application is filed in the nature of
Certiorari for quashing the order dated
15.01.2025 passed by the DCLR, Balia in
Mutation Appeal Case No.259 of 2024-25
(Sushil Kumar Rastogi vs. State Of Bihar*



And Ors.) by which the Jamabandi issue in favour of the petitioner bearing No. 33R27/2024-25 dated 26.07.2024 issued by the Circle Officer, Balia in relation to the property situated in Mauza Ballia Lakhminya Thana No.627 Khata No. 647, Plot No. 1903 Area (1.86 Decimal + 2.4 Decimal) Total 1 Katha 1 Dhur.

(ii) That the present writ application is being filled in the nature of Mandamus for direction to restore the jamabandi bearing NO. 33R27/2024-25 that has been cancelled by the DCLR, Balia which was issued in favour of the petitioner by the Circle Officer, Balia.

3. Learned counsel for the petitioner, after some argument, concede that against the order passed by the learned DCLR, the petitioner ought to have moved before the Collector, Begusarai for the redressal of his grievance. Both the petitioner and the respondent no. 8 are own brothers and the bone of contention is an ancestral land recorded in paragraph 4 of the petition.

4. Learned State Counsel submits that if such a petition is filed, the same shall be taken to its logical conclusion. He further submits that without issuance of notice to him, he being the full brother, the order was passed by the learned



DCLR behind his back.

5. In that background, liberty is granted to the petitioner to approach the Collector, Begusarai in next four weeks with all the relevant documents who shall take up the matter and after hearing the parties including the respondent no. 8, Sushil Kumar Rastogi, shall pass an appropriate order in next four months.

6. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

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