

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10334 of 2023

-
1. Ram Babu Sah @ Ram Baboo Sah Son of Harivansh Sah, Resident of Village- Runni Saidpur, P.S.- Runni Saidpur, District- Sitamarhi.
 2. Yugal Kishore Gupta Son of Thaga Sah, Resident of Village- Runni Saidpur, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Circle Officer, Runni Saidpur, District- Sitamarhi.
5. Vijay Tahlani Son of Late Manghan Das Tahlani, Resident of B-211, Sector 108, NOIDA, P.S.- NOIDA, Sector No. 39, District- Gautam Buddha Nagar, Uttar Pradesh.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh
For the Respondent/s : Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-01-2025 1. Heard learned counsel for the petitioners, learned AC to AAG-12, Mr. Asif Kalim and the learned counsel appearing on behalf of the private respondent, Mr. Shashank Chandra.

2. The learned counsel appearing on behalf of the petitioners submits that from perusal of the pleadings made in the writ application, it would manifest that the dispute is purely civil in nature in between the petitioners and the respondent no.

5. It is next submitted that the dispute in the instant case relates



to land pertaining to *Khata* No. 1563, *Khesra* No. 7684, Area-43 decimal and *Khesra* No. 7686, Area 3 decimal at Village-Runni Saidpur Bazar, P.S.-Runni Saidpur, District-Sitamarhi. .

3. The learned counsel for the petitioners submits that the land originally belonged to one Late Ravindra Nath Mehta, who after taking *Salami* of the land from the father of the petitioners, gave the land on which the father of the petitioners constructed shop in the year 1968 and the shop till date is in existence on the land in dispute. It is further submitted that the land in dispute has been acquired under Section 3A(1) of the National Highways Act, 1956 by the Central Government by Notification No. Ka. Aa 665(A) dated 23.03.2010 for widening of NH-77. It is further submitted that no doubt the land has been acquired, but then the possession till date has not been taken and as such the petitioners, till date, are running their shop. It is further submitted that the respondent no. 5 is a purchaser of the land in dispute from one Pankaj Kumar by a registered Sale Deed No. 5490 dated 20.04.2023. The learned counsel next submits that the land was not even sold by the daughter of Late Ravindra Nath Mehta, rather she is a witness on the sale deed which casts aspersion with regard to the sale deed. It is also submitted that since the respondent no. 5 has purchased the land



in dispute, as such, now he is trying to oust the petitioners from their shop which was constructed in the year 1968 after permission of Late Ravindra Nath Mehta and since then, the petitioners are in possession of the shop.

4. It is further submitted that the instant writ application has been filed challenging the notice dated 16.05.2023 issued by the Circle Officer, Runni Saidpur directing the petitioners to appear before him in a case related to the land in dispute. The learned counsel next submits that the notice is without jurisdiction as the Circle Officer has no authority in law to adjudicate a dispute relating to private land.

5. The learned counsel appearing on behalf of the respondent no. 5 submits that there is no dispute with regard to the submissions made by the learned counsel appearing on behalf of the petitioners that the Circle Officer has no jurisdiction to adjudicate any dispute relating to private land, but then the petitioners have challenged the notice issued by the Circle Officer, Runni Saidpur by which they have been asked to appear before him in pursuance of a complaint filed by the respondent no. 5. It is next submitted that mere issuance of a show cause notice does not prejudice the right of a person in any manner. It is also submitted that the plea which the petitioners



have taken before this Court, he could have raised all those pleas before the Circle Officer also.

6. The learned counsel appearing on behalf of the State submits that in a routine manner, the notice has been issued, as the Circle Officer and the concerned police station holds *Janta Darbar* in which if any complaint is filed, the police or the Circle Officer, as the case may be, issues notice requiring the person to appear and if it appears that the dispute is such which cannot be adjudicated by them in that event appropriate orders are passed.

7. At this stage, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the writ application with liberty to raise all issues before the Circle Officer, Runni Saidpur.

8. Permission is accorded.

9. Accordingly, the instant writ application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

Rishabh/-

U			
---	--	--	--

