

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3691 of 2015

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Bachcha Jha Son of Late Markandey Jha, Resident of Village- Parsauni, P.O- Parsauni, P.S.- Dumra, Sub division- Sitamarhi, Sadar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Collector, Sitamarhi.
4. The Additional Collector Ceiling, Sitamarhi.
5. The Land Reforms Deputy Collector, West Sitamarhi, District- Sitamarhi.
6. The Circle Officer, Dumra, District- Sitamarhi.
7. Shiv Shankar Paswan, Son of Yogendra Paswan, Resident of Village- Parsauni, P.O.- Parsauni, P.S.- Dumra, District- Sitama
8. Krishna Kumar Sharma, Son of Late Ramchandra Singh, Resident of Ward no.- 5, Dumra notified area, P.S and P.O.- Dumra, Sub Division- Sitamarhi Sadar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Respondent/s : Mr.Ajay- Ga12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-07-2025

I.A. No.01 of 2021

2. The aforesaid IA has been preferred for substituting the sole petitioner Bachcha Jha with heirs recorded in paragraph no.3 (I) Chandrakant Jha and (II) Shashikant Jha. There is no objection from the other side.

3. The IA No.01 of 2021 is allowed and the name of the two sons above be substituted in place of Bachcha Jha.



CWJC No.3691 of 2015

Heard the parties.

2. The present petition has been preferred for :-

“Issuance of a writ or writs in the nature of certiorari for quashing the order dated 13.02.2001 passed by Respondent No. 2 in the Ceiling Appeal Case No. 25-FC/98-99 whereby and whereunder the learned Commissioner, Tirhut Division, Muzaffarpur has been pleased to dismiss the appeal at the stage of admission itself that to without assigning any cogent reason in a mechanical manner and further without considering the real facts that is petitioner was earlier bataidar and later purchased the said plot.

ii. Issuance of writ or writs in the nature of certiorari for quashing the notice issued by Circle Officer, Dumra in Dispossession Case no 76/14-15 without considering the real facts that the petitioner was not only the bataidar but also the purchaser of said plot which is in question

iii Issuance of writ or writs in the nature of mandamus directing the CO. Dumra (Respondent no. 6) that after considering the real facts pass an order stating therein that who is rightful claimant and under whose possession is the disputed land.

iv. Grant such other relief or reliefs to



*which the petitioner may be entitled in the facts
and circumstances of this case”*

3. The petitioner was noticed by the Circle Officer, Dumra, Sitamarhi in Case No.76 of 2014-15, after one Shiv Shankar Paswan claiming himself to be ‘parchadhari’ submitted a petition before the said office, this relates to Khata No.159, Khesra No.506 (86 decimal) in village-Parsauni, Dharampur (Thana No.359) in the District of Sitamarhi. A simple notice was issued, the petitioner armed with the document supporting his claim should have approached the Circle Office, Dumra by putting in his appearance so that the matter could have been taken to its logical conclusion.

4. Instead, a writ petition was filed challenging the said notice, the same is ill advised, frivolous and as such is dismissed.

(Rajiv Roy, J)

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