

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13224 of 2022

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Gopal Prasad Sah @ Gopal Prasad Son of Late Asharfi Sah, Resident of Village- Nirmali, Ward No. 7, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
3. The Commissioner, Saharsa, Kosi Division, District- Saharsa.
4. The Addl. Collector, Supaul, District- Supaul.
5. The Deputy Collector Land Reforms, Nirmali, District- Supaul.
6. The Anchaladhikari, Nirmali, District- Supaul.
7. The Anchaladhikari, Marouna, District- Supaul.
8. The Executive Engineer, Nirmali, District- Supaul.
9. Basudev Prasad Sah, Son of late Mishri Lal Sah, Resident of Village- Nirmali, Ward No. 7, P.S. Nirmali District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 07-08-2025

Heard the parties.

2. In the instant petition, petitioner has prayed
for the following relief(s):-

*“For issuance of writ nature of
the mandamus for direction to the
respondents Anchaladhikari,
Nirmal, Marouna for compliance
the order dated 05.12.2019
passed in Land Dispute Appeal*



Case No. 268/2014 passed by Divisional Commissioner, Kosi Division, Saharsa by which directed to all order passed by Ld. Court below shall be remain stayed and parties having land dispute to file suit before competent court.

(ii) Further issue direction to Anchaladhikari, Nirmali/Marouna to comply the letter bearing Memo No. 143 dated 18.08.2021 issued by Land Reform Deputy Collector, Nirmali, Supaul by which directed to comply the order dated 05.12.2019 passed in Appeal Case No.268/2014.

(iii) Further issue direction to the respondents for considering the applications filed by petitioner for compliance of the he order dated 05.12.2019 passed in Land Dispute Appeal Case No.268/2014 passed by Divisional Commissioner, Kosi Division as well as letter dated 18.08.2021 issued by Land Reform Deputy Collector,



Nirmali,

*(iv) For further
give other legal consequential
benefit to petitioner.”*

3. Learned counsel for the petitioner submits that father of the petitioner purchased land bearing Mouza-Nirmali, Khata No.209 (O), Khata No.8 (N), Khesra No. 1281 (O), Khesra No.86 (N), 87 (N) and Part of land Khesra No.89 (N), Area-1/4 decimal Mouza-Nirmali, Khata No. 178 (O), Khata No.8 (N), Khesra No. 1280 (O), Khesra No.86 (N), 87 (N) part of Khesra No.101 (O) 1/4 decimal, Nirmali, Khata No.209 (O), Khata No.8(N), Khesra No. 1281 (O), Khesra No.86 (N), 87 (N) and part of Khesra No.89 (O), Area-0-1-18-0, Mouza-Nirmali, 178 (O), Khata No.08 (N), Khesra No. 1280 (O), Khesra No.86 (N), 87 (N), part of Khesra No. 101 (N), 102 (N), 103 (N), 104 (N), Area-0-9-0-0. He further submits that respondent – Basudev Sah filed Land Dispute Redressal Case No. 19/2012-13 before LRDC, Nirmali, Supaul (Annexure 3) and alleged that respondent himself and petitioner are related by virtue of joint family and have got equal share in the property. Respondent – Vasudev Shah further alleged that disputed land is joint family property and have no partition in the family and further alleged that



Jamabandi is running in the name of uncle who died since long before. Learned counsel further submits that respondent has filed the said case for lodging the case against the present petitioner alleging therein that petitioner is selling the land which is not in his share. The LRDC, Nirmali, Supaul disposed off the matter by the order dated 27.11.2012 passed in Land Dispute Redressal Case No. 19/2012-13 and held that Jamabandi No. 1096, 1579, 2148, 2562, 2605, 3756, 3757 and 1478 (Mouza – Nirmali) and Jamabandi No. 1063 (Mouza – Belahi) are running in the name of dead person which is not in accordance with law. It has been submitted that LRDC, Nirmali directed the Anchaladhikari, Nirmali to create Jamabandi in light of order passed in Mutation Appeal Case No. 27/2007-08 after verifying the documents produced on behalf of the parties. He further submits that petitioner being aggrieved by the order dated 27.11.2012 preferred Appeal No. 268/2014 before the Commissioner, Kosi Division, Saharsa and the same has been disposed of by the order dated 23.02.2019/05.12.2019 (Annexure-4) by holding that in the light of the order dated 31.07.2018 passed in C.W.J.C. No. 1091 of 2013 and the letter dated 27.11.2018 of the Revenue Department Letter No. 876(8) present matter is not



maintainable and is closed. It was further directed that the subordinate court is directed to stay the execution of the earlier orders.

3(i) Learned counsel for the petitioner submits that petitioner has filed application before the Anchaladhikari, Nirmali, Supaul for compliance of the order dated 05.12.2019 passed by the the Commissioner, Kosi Division, Saharsa but the same has not been decided as yet.

4. Learned counsel for the State does not controvert the submissions made by the petitioner's counsel on the point of representation made by the petitioner. He, however, submitted that if petitioner files fresh representation with regard to the compliance of the order passed by the Commissioner, Kosi Division, Saharsa, the concerned authority will look into the matter.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with direction to petitioner to file fresh representation before the competent authority with regard to the grievance of the petitioner within a period of four weeks from the date of receipt of this Order. If such petition is filed within the



stipulated period, the concerned authority shall pass appropriate order within a reasonable period of time, preferably within two months from the date of filing of petitioner’s representation after giving due opportunity of hearing to the parties concerned without being prejudiced by the order passed by this Court.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.08.2025
Transmission Date	N/A

