

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19498 of 2021

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Ram Chalitir Das @ Chalitir Das Son of Late Sitai Das Resident of Village- Akuli, Police Station- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Madhubani.
3. The Circle Officer, Benipatti, Madhubani.
4. The Deputy Collector, Land Reforms, Benipatti, Madhubani.
5. Ram Sobhit Marar Son of Late Domu Marar Resident of Village- Akuli, Police Station- Benipatti, District- Madhubani.
6. Dev Chandra Marar Son of Late Saudagar Marar Resident of Village- Akuli, Police Station- Benipatti, District- Madhubani.
7. Nathuni Das Son of Late Birchan Das Resident of Village- Akuli, Police Station- Benipatti, District- Madhubani.
8. Jagdish Marar Son of Dhodhai Marar Resident of Village- Akuli, Police Station- Benipatti, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 19-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

" 1. That this is an application for issuance of appropriate writ, order or direction commanding upon the respondents specially Circle officer, Benipatti (respondent no. 3) to comply the order dated 21.07.2012, passed in Case No. 258 of 2011-12 passed by the Deputy Collector Land Reforms, Benipatti in



which direction given to the Circle Officer, Benipatti to demarcate the Kheshra No. 108 (Old) area 3 Kattha 3 Dhur and if any encroachment has been found upon the land in question, then the Circle Officer shall ascertain the removal of encroachment."

2. Mr. Saroj Kumar, learned counsel appearing for the petitioner and Mr. Md. Khurshid Alam, learned counsel appearing for the State-respondents are present and they are heard.

3. The main issue raised by the petitioner in this writ petition is that the respondent no.3 has not complied with the order dated 21.07.2012 passed by the Deputy Collector Land Reforms, Benipatti in Case No. 258 of 2011-12 in which a specific direction was given to the Circle Officer, Benipatti to demarcate the land pertaining to Kheshra No. 108 (Old) area 3 Kattha 3 Dhurs and further direction was given to remove the encroachment if any, was found over the said land.

4. Learned counsel appearing for the petitioner submits that the order dated 21.07.2012 has got finality and the same is not under challenge at present and even then the directions given in the said order have not been complied with by the Circle Officer, Benipatti and in this regard, the petitioner



filed his representation dated 09.03.2020 before the Circle Officer, Benipatti but even then no action has been taken.

5. Learned counsel appearing for the State-respondents submits that the respondent no. 3 (Circle Officer, Benipatti, Madhubani) may be directed to decide the petitioner's representation as per the provisions of law at the earliest.

6. Considering the aforesaid submissions, respondent no.3 (Circle Officer, Benipatti, Madhubani) is directed to decide the petitioner's representation dated 09.03.2020 as per the provisions of law within three months from the date of receipt or production of this order's copy.

7. As the petitioner's representation was filed more than five years ago, so, if it is not found in the office of the Circle Officer then its non-availability shall be informed to the petitioner by a letter through speed post upon receipt of the same, the petitioner will have a right to file a fresh representation which shall be decided by the respondent no.3 as per the provision of law within three months from the date of its filing.

8. Accordingly, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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