

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19183 of 2024

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Motasim Billa Son of Samsul Hoda, Resident of Village- Kochgama, Ward
No. 10, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The District Magistrate-cum Collector, Supaul.
4. The Additional Collector, Supaul.
5. The Deputy Collector, Land Reforms (D.C.L.R.), Supaul, District- Supaul.
6. The Sub-Divisional Officer, Birpur, District- Supaul.
7. The Circle Officer, Anchal- Basantpur, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Standing Counsel (12)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 03-01-2025

Heard the parties.

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

*For issuance of
appropriate order/orders,
direction/directions, writ/writs,
preferably in the nature of Mandamus,
commanding and directing the
Respondents authority concerned, not
to disturb the petitioner's land
appertaining to Khata No.81, old
Khesra No.115, New Khesra No.355,
Area 3 Acre situated at Mauza/village-
Kochgama, P.S.- Birpur, District-
Supaul, which was settled in favour of*



ancestor of petitioner (grandfather) namely Md. Haji Tahir Uddin S/o Late Titu Mandal long back approx in the year 1948 by the Ex-landlord Raj Banaili and accordingly Jamabandi No.81/937 was created and since then said land is coming in peaceful possession of the petitioner and his family members and upto-date rent receipt is being issued to the petitioner, but the Respondent Circle Officer, Basantpur without issuing any notice and without taking any consent from petitioner selected the said land of petitioner for constructing 'Alapsankhyak Awasiye Vidhyalay Bhawan' (Muslim Residential School Building) vide his general notice dated 25.05.2024 illegally and arbitrarily declaring the said land as Government Gair Mazarua Khas land and despite apprising the situation to the Respondent authorities concerned by petitioner, no any action is being taken. Any other relief/reliefs for which petitioner is found entitled in facts & circumstances of this case.

3. Learned counsel for the petitioner submits that land appertaining to Khata No. 81, Old Khesra No. 115, New Khesra No. 355, Area 3 Acre situated at Mauza/village – Kochgama, P.S. Birpur, District- Supaul was settled in favour of ancestor of petitioner in the year 1948 (approx) by the ex-landlord Raj Banaili and accordingly Jamabandi No. 81/937



(old) was created and since then the land in question is coming in peaceful possession of the petitioner and his family members. He further submits that up to date rent receipt has been issued in the name of ancestor of the petitioner, which has been annexed as Annexure P/1 series and in the said rent receipt, Jamabandi No. 182 (new) is mentioned. He further submits that petitioner is aggrieved by issuance of notice (Annexure P/2) wherein the land in question has been arbitrarily declared as that the land is Government Gair Mazarua Khas land, though, the petitioner has every right to possess the land in question as petitioner is paying rent receipt through new jamabandi number, up till now. Petitioner has represented his grievance before the Circle Officer, Basantpur and the District Magistrate-cum-Collector, Supaul but of no avail.

4. Learned counsel for the State submits that petitioner though petitioner has approached the concerned authorities, however, if petitioner represents his grievance before the competent authority afresh along with all the documents on the basis of which petitioner is claiming his peaceful possession over the land in question, the concerned authority will look into the matter.

5. In the light of the facts and circumstances of



the present case and the argument advanced on behalf of the parties, the present writ petition stands disposed of with liberty to the petitioner to represent his grievance before the competent authority within four weeks from the date of receipt of this order. If petitioner represents his grievance within the stipulated period, the concerned authority is hereby directed to consider and dispose of the grievance of the petitioner after giving him due opportunity, expeditiously, within a period of six weeks from the date of filing of the representation.

6. It is further directed that till disposal of the grievance of the petitioner by a speaking order, the possession of the petitioner should not be disturbed.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.01.2025.
Transmission Date	N/A

