

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19170 of 2024

Hargovind Singh Himkar in short H.S. Himkar son of Late Ramashish Singh, permanent resident of village - Khopi, P.O.- Khopi, P.S.- Jandaha, District- Vaishali, presently residing at Flat No.- 101, Gulzar Residency, Mohalla- Shivpuri, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Vaishali at Hajipur.
2. The Collector-cum-District Magistrate, Vaishali at Hajipur.
3. Kashi Singh, son of Late Seth Singh (mother's name Late Daya Devi), resident of village Khopi, P.O.- Khopi, P.S.- Jandaha, District- Vaishali.
4. Sanjay Kumar Singh @ Munna Singh, son of Late Seth Singh (mother's name Late Daya Devi), resident of village Khopi, P.O. - Khopi, P.S.- Jandaha, District- Vaishali.
5. Digvijay Singh, son of Latte Parbhans Singh (mother's name Late Prabha Devi), resident of village - Khopi, P.O.- Khopi, P.S.- Jandaha, District - Vaishali.
6. Arvind Kumar Singh, son of Late Ramashish Singh, permanent resident of village Khopi, P.O.- Khopi, P.S.- Jandaha, District- Vaishali.
7. Chandraket Singh, Son of Late Ramashish Singh permanent resident of village Khopi, P.O.- Khopi, P.S.- Jandaha, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. H. S. Himkar (In Person)
For the Respondent/s : Mr. AC to GP-26

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-01-2025 Heard the petitioner in person and learned AC to GP-26
for the State.

2. The petitioner submits that the instant writ application has been filed for a direction upon the Collector, Vaishali at Hajipur (Respondent No. 2) to accept the miscellaneous case presented by the petitioner under Section 32 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 for declaring Sale Deed Nos. 12088, 12089 and 12090 all



dated 15.10.1971 executed by the father of the petitioner and Sale Deed Nos. 12319, 12320 and 12322 all dated 22.10.1971 executed by the uncle of the petitioner in favour of the mother of the Respondent Nos. 3, 4 and 5, void ab initio as the sale deeds were executed without seeking prior permission from the Consolidation Authority, which was mandatory and obligatory on part of the executant of the sale deed.

3. The petitioner next submits that a miscellaneous case was presented in the Office of the Collector for seeking redressal of his grievance as recorded hereinabove, but then the Office of the Collector refused to accept the miscellaneous case on the ground that the Collector, in view of the Notification No. 54 dated 19.01.2018 issued by the Under Secretary, Revenue and Land Reforms Department, Government of Bihar, does not have power to entertain any miscellaneous case under Section 32 of the Consolidation Act.

4. The petitioner submits that whether the Collector is empowered or not, can be adjudicated by the Collector only when his Office permits the petitioner to file the miscellaneous case. It is further submitted that the case was taken up on 03.01.2025 when time was sought on behalf of the State for filing counter affidavit but then this Court directed the learned State Counsel to seek oral instruction in the matter with regard to the dispute which had



arisen in the instant writ petition.

5. Learned State Counsel submits that he has taken oral instruction from the Additional Collector, Legal Cell, Hajipur and he has instruction to make submission that no miscellaneous case ever came to be filed or was presented by the petitioner in the Office of the Collector but then it is fairly submitted that if petitioner files a miscellaneous case in the Office of the Collector the same shall be accepted.

6. The petitioner based on the submission made by the learned State Counsel seeks permission to withdraw the instant writ petition with liberty to move before the Collector by filing miscellaneous application for redressal of his grievance as raised in the instant writ petition.

7. Permission is accorded.

8. Accordingly, the writ petition is dismissed as withdrawn.

9. The Court expects that if any miscellaneous case is filed by the petitioner the Collector shall entertain and adjudicate the same in accordance with law.

(Satyavrat Verma, J)

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