

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18712 of 2018

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Mahendra Yadav Son of Bodhi Yadav Resident of Village Kandopur, P.S. Giriyak, District Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Divisional Commissioner, Patna.
3. District Magistrate, Nalanda.
4. Additional Collector, Nalanda.
5. Deputy Collector, Land Reforms, Rajgir, District Nalanda.
6. Anchal Adhikari, Giriyak, District Nalanda.
7. Nawal Thakur son of Late Narayan Thakur
8. Most. Jaymanti Devi wife of Late Sri Ram both respondent no. 7 and 8 are residents of village Kandopur, P.S. Giriyak, District - Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Advocate Mr. Rajeev Kumar, Advocate Mr. Abhishek, Advocate
For the Respondent/s	:	Mr. Dhurjati Kr. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-02-2026 Heard the parties.

2. The present petition has been preferred for the following relief(s):

“for issuance of an appropriate writ or writs setting aside the notice dated 14.05.2018 contained in letter no. 285 issued by the Anchal Adhikari, Giriyak directing the petitioner to vacate the land in question and handover possession of the land to the private respondents in compliance



of the order dated 18.12.2012 passed by the Deputy Collector, Land Reforms, Rajgir and further respondents may be restrained from interfering in the peaceful possession of the petitioner in any manner and/or to grant any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.”

3. The matter relates to a piece of land bearing Khata No. 21, Plot No. 144 (area 56 decimals) and Plot No. 68 (area 19 decimals) in the village Kandopur within the district of Nalanda.

4. Petitions, writ petitions were filed and finally, it reached the doors of the Deputy Collector, Land Reforms, Rajgir who vide an order dated 28.07.2012 directed the Circle Officer, Giriyak to take steps and ensure that the possession is handed over to the respondent no. 7, Nawal Thakur (annexure-8 to the petition).

5. Aggrieved, the petitioner moved before the Divisional Commissioner, Patna in Land Dispute Case No. 48 of 2013 (Mahendra Yadav vs. The State & Ors.). It came to be disposed of on 03.03.2016 (annexure-9 to the petition) and the said respondent held that the Deputy Collector, Land Reforms



had no jurisdiction to take up the matter/pass an order. He further held that the parties are free to file appropriate petition before competent Civil Court, if they so want.

6. As recorded, this order came to be passed on 03.03.2016, there is nothing on record to show that the State/respondents herein took any steps for challenging the said order of the Divisional Commissioner, Patna Division, Patna.

7. Two years later, vide letter no. 285 dated 14.05.2018, the Circle Officer, Giriyak, Nalanda issued notice to the petitioner asking him to vacate the land by 21.05.2018 or appropriate steps shall be taken. In the notice dated 14.05.2018, the Circle Officer, Giriyak mentioned about an order of the Hon'ble Apex Court.

8. Learned Senior counsel for the petitioner submits that the order of the Divisional Commissioner, Patna dated 03.03.2016 has neither been challenged nor annulled and only to confuse the authorities, the Circle Officer, Giriyak mentioned the order of the Hon'ble Apex Court without detailing out anything about it. He submits that when the order already stands annulled in the year 2016, the Circle Officer, Giriyak had no authority to issue notice.

9. The Circle Officer, Giriyak has filed affidavit and



learned State counsel has taken this Court to the paragraph-5 to show that the petitioner interpolated certain documents for which FIR has also been lodged against him.

10. Mr. Hansraj representing the respondent nos. 7 and 8 also submits that in the earlier round, the petitioner had withdrawn the petition and after losing the battle, procured an order by the Divisional Commissioner, Patna which has to be rejected.

11. Having heard the parties and perusing the record, this Court is of the opinion that good or bad, the order of the Deputy Collector, Land Reforms, Rajgir was set aside by the Divisional Commissioner, Patna Division, Patna on 03.03.2016. Nothing is on record to show whether the parties moved before appropriate authority/Court challenging the said order. Again, no one has made any statement that the parties are now contesting the battle before a competent Civil Court.

12. In that background, the Circle Officer, Giriyak had no business on issuing the said notice over-ruling the order of the Divisional Commissioner, Patna Division, Patna. The said order thus has to go and the then Circle Officer, Giriyak is deprecated for issuing notice.

13. Accordingly, the notice/letter no. 285 dated



14.05.2018 issued by the Circle Officer, Giriyak stands quashed.

14. As recorded by the Divisional Commissioner, Patna Division, Patna, the parties are free to approach the Competent Civil Court for the redressal of the grievance and/or challenge the order passed by the Divisional Commissioner, Patna Division, Patna.

15. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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