

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14680 of 2023

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Markandey Pandey Son of Late Paras Nath Pandey, Resident of Village and
P.O.- Manipur, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate, Rohtas.
3. The Superintendent of Police, Rohtas.
4. The Deputy Collector Land Reforms (DCLR), Rohtas, District- Rohtas.
5. The Circle Officer, Nokha, P.O. and P.S.- Nokha, District- Rohtas.
6. Birendra Kumar Pandey, Son of Late Ram Dayal Pandey Resident of Village and P.O.- Manipur, P.S.- Nokha, District- Rohtas.
7. Vijay Shankar Pandey, Son of Late Ram Dayal Pandey, Resident of Village and P.O.- Manipur, P.S.- Nokha, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Adv.
For the Respondent/s	:	Mr. Manoj Kumar, Adv.
		Ms. Bhawana Jha, Adv.
For the State	:	Mrs. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-05-2026 Heard Mr. Prashant Kumar, learned counsel for the

petitioner and Mrs. Nutan Sahay representing the State.

2. The present application has been preferred:

for issuance of an appropriate writ writs in nature of MANDAMUS for commanding and directing respondents especially Circle Officer, Nokha, Rohtas for consideration, adjudication and decision application submitted much earlier with relevant documents concerning family



partition for mutation but it remains abandoned as well as the further prayer for direction to respondents for providing protection to his life, liberty and personal property taking note of the facts that 'Right of Property' is not only the constitutional right conferred under Article 300A but also a fundamental right under Article 21 of the Constitution as no one can be allowed to play with his rights aforementioned rather the same may be protected without any if and but and for other necessary relief/reliefs on the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.

3. The petitioner and respondent nos. 6/7 are cousin brothers and for the ancestral property, they entered into an agreement and it is claimed that thereafter, they had their peaceful physical possession over the land.

4. It is to be noted that the details of the land is/are missing in the writ petition. The petitioner claims that when he went for the mutation of the land in question in the year 2022, the Successive Circle Officer, Nokha, Rohtas (respondent no. 5) sat over it inasmuch as till date he/she has failed to pass any order.

5. Learned State Council submits that since the details



are missing, it would be appropriate that the petitioner file fresh petition before the concerned respondent so that an appropriate order can be passed.

6. There is no objection on the part of respondent no. 6 and 7 represented through Mrs. Bhawna Jha.

7. Considering the aforesaid fact, if the contention of the petitioner is correct, it is unfortunate that revenue authorities sitting in the circle fail to even pass an appropriate order/take a decision. This court wanted to have para wise reply to the writ petition so that appropriate order can be passed but as the petitioner submit that he shall be filing a fresh representation as he want an early decision being an old man, this court disposes of the writ petition allowing the petitioner to file representation/petition along with relevant document in next four weeks.

8. If such petition is filed, after noticing/getting the matter enquired/physical possession and hearing the parties, if any, the Circle Officer, Nokha, Rohtas shall be duty bound to pass an appropriate order within next eight weeks after the petition has been filed. The respondent nos. 6 and 7 as also those stakeholders be noticed/heard before the decision is taken.

9. The writ petition is disposed of with aforesaid



observation.

10. Before parting, this Court would like to put on record its word of appreciation for Mr. Prashant Kumar for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

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