

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13757 of 2018

Surendra Poddar Son of Deven Poddar, R/o Village- Durgapur, P.S.-
Durgapur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Madhepura.
3. The D.C.L.R. Udakishunganj, District- Madhepura.
4. The Additional Collector, Madhepura.
5. Circle Officer, Puraini Prakhand, Puraini Bazar Anchal Udakishunganj,
District- Madhepura.
6. Kameshwar Singh, Son of Late Janglee Singh, Vill.- Puraini Ambho Basa,
Janglee Tola, P.S. and Circle- Puraini, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Mukund, Adev.
For the Respondent/s : Mr.Raj Kishore Roy -GP 18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 03-01-2025

On 26.11.2024 this Court haad passed the following
detailed order :

“None appears for the petitioner.

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

*“For directing the
respondent public authorities not to
meddle with the creation of
Jamabandi as also the title and
possession over the land in question
being described in the paragraph*



below by a writ of certiorari or by any other appropriate writ or direction as also restrain the private respondent from laying false claim over the land as bataidar which has been decided in the order of the Ld. D.C.L.R., Udakishunganj dated 21.10.1992 in B.T. Act Case No. 82/91-92 and also dated 13.04.1994.”

2. From perusal of the records, the land appertaining to khata no. 269 and 385, Khesra No. 324, 327, 328, 329, 332, 331, 372, area 3 bighas, 10 kathas and 40 dhurs situated at Mauza Durgapur belongs to the petitioner. Respondent no. 6 filed BT Act Case No. 82/91-92 before the DCLR, Udakishunganj under section 48(E) of the B.T. Act, which was allowed ex parte vide order dated 13.04.1994 and respondent no. 6 was declared as Bataidar. Against the said order, petitioner filed B.T. Appeal No. 24-25/2005 before the Additional Collector, Madhubani which was dismissed and the order passed by the DCLR has been confirmed.

3. Learned counsel for the State submits



that without approaching the appropriate authority for redressal of his grievance, the petitioner has directly approached this court in its writ jurisdiction.

4. List this matter on 03.12.2024.

5. If the petitioner fails to appear on the next date of hearing, the matter would be decided with the material available records for the reasons that the present matter is pending consideration for the last about six years.

6. Learned counsel for the State is directed to clarify with regard to averments made in para 5 of the counter affidavit as the same is quite vague.

2. Learned counsel for the petitioner has fairly submitted that petitioner has not availed the statutory remedy available under the law against the order passed by the Additional Collector, Madhepura

3. Learned counsel for the State submitted that without exhausting the remedy available, petitioner has directly rushed to this Court in its writ jurisdiction, and as such, the present writ petition is not maintainable.



4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioner to approach the authority concerned for redressal of his grievance, which has been raised by the petitioner in the present writ petition, within a period of four weeks from the date of receipt of a copy of this order. The concerned authority is directed to consider and dispose of the grievance of the petitioner after giving him due opportunity, expeditiously, within a reasonable period.

It is needless to mention that the period spent in pursuing the matter before this court be considered sympathetically while deciding the claim of the petitioner.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.01.2025
Transmission Date	N/A

