

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12170 of 2015

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Godawari Devi Wife of Shri Banshidhar Jha, resident of Mohalla-Saifullaganj (Raj Kumar Ganj), Ward No. 12 New, 6 (Old), Police Station-Town, District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar.
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Deputy Collector Land Reforms, Sadar, Darbhanga
4. The Circle officer, Sadar, Darbhanga
5. Sri Prem Narayan Mishra, Son of Late Braj Kishore Mishra, Resident of Mohalla- Digghi West, Professor Colony, Police Station- Town, District- Darbhanga

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Baidya Nath Thakur, Advocate
For the State	:	Ms. Nivedita Nirvikar, GA-10
For the Resp. No. 5	:	Mr. Rajeeva Roy, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 24-01-2022

Heard learned Sr. counsel for the petitioner and learned counsel for the respondents through video conference.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition -

“(i) For quashing the order dated 29.06.2015 passed by the Member Administrative of the Bihar Land Tribunal, Patna in BLT Case No. 396/2014 whereby while dismissing the same it was observed that the appellate order of the Divisional Commissioner, Darbhanga allowing the prayer of respondent



no. 5 for demarcation of the disputed land appertaining to Khata No. 105, Khesra No. 9376 (New 832) admeasuring 1 Katha of Mouza- Saifullaganj, Ward No. 6, P.S. Town, District- Darbhanga did not call for interference and;

(ii) Further prays for issuance of any other appropriate writ/writs, order/orders, direction/directions and relief/reliefs which they are entitled to in the facts and circumstances of the case."

3. When the matter is taken up, learned counsel for the petitioner fairly states that in the interest of resolving the dispute once and for all, rather than pressing the prayer for quashing the impugned order, it would suffice in the overall interest of the parties if the measurement of the disputed land is carried out in a transparent manner. This could be achieved if the measurement is made in presence of the petitioner, the respondent no. 5 and Smt. Indrakala Devi (vendor of the property in favour of respondent no. 5), who is also said to be residing in a part of the property.

4. Learned counsel for the respondent no. 5 has no objection to the prayer of the petitioner and fairly agrees to the aforesaid proposition.

5. Having regard to the common stand of the main contesting parties as above, this Court is of the view that no fruitful purpose would be served in entering into the detailed merits of the contentions raised in the present writ petition.



6. The writ petition is accordingly disposed of with a direction to the Circle Officer, Sadar, Darbhanga (respondent no. 4) to carry out the measurement of the disputed land comprising Khata No. 105, Khesra No. 9376 (New 831 and 832) in Mauza-Saifullaganj, Ward No. 6 (old) and Ward No. 12 (New), in presence of the interested parties as aforesaid expeditiously and after observing all legal formalities.

(Vikash Jain, J)

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