

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14049 of 2014

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Dinesh Kumar Choudhary, son of Late Indra Prasad Choudhary, resident of village
Panapur Haweli Tole Barkurwa, P.S. Kanti, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar,
Patna
3. The District Magistrate, Muzaffarpur District - Muzaffarpur
4. The Circle Officer, Kanti, Circle Kanti, District - Muzaffarpur
5. Sri Rameshwar Choudhary, Son of Dhanraj Choudhary, resident of village
Panapur Haweli Tole Barkurwa, P.S. Kanti, District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate

For the Respondents : Mr. Amaresh Kr. Sinha, AC to GA 9

For Respondent No.5: Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-03-2015

The petitioner complains that the 5th respondent had encroached upon a public road in Tole Barkurwa within Kanti Police Station in the district of Muzaffarpur. He contends that originally the land in plot no.1306 was shown as Government land, as per cadastral survey, but in the revisional survey which took place in the year 1966, the land was divided into two parts and one of it, being plot no.2088, adjacent to the raiyati land was shown in the name of the 5th respondent. He contends that public road was existing on the land till the 5th respondent had removed the same, in spite of the protest by the local public. He seeks appropriate direction in this behalf.

2. A counter affidavit is filed by the 5th respondent opposing the writ petition. He submits that he is the absolute owner of the land in question and this writ petition is filed with oblique motive. He filed certain documents, in support of his title.

3. Heard Sri Shashi Bhushan Singh, learned counsel for the petitioner and Mr. Amaresh Kumar Sinha, learned Assistant Counsel to G.A. 9 for the State and Sri Pramod Kumar, learned counsel for the 5th respondent.

4. Even from the prayer in the writ petition it is evident that right of the 5th respondent over the land in question was recognized in the revisional survey which took place in 1966. Assuming that the conferment of right on the 5th respondent in the revisional survey is wrong, the petitioner cannot make any complaint of the same, at this stage. Even as absolute owner of the property cannot raise objection for the revisional survey, which took place a half century ago, at this stage.

5. We, therefore, dismiss the writ petition. There shall be no order as to costs.

6. The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

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(Vikash Jain, J)