

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.35 of 2015

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Arjun Prasad Son of Late Bharat Prasad, resident of village- Barahara, P.S-
Bhore District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department,
Govt.of Bihar, Patna.
3. The District Collector, Gopalganj.
4. The Deputy Collector, Land Reforms Hathua, District - Gopalganj
5. The Sub Divisional Officer, Hathua, District - Gopalganj.
6. The Circle Officer, Bhore Anchal, District - Gopalganj.
7. The Superintendent of Police, Gopalganj.
8. The Officer-in-charge, Bhore P.S + District - Gopalganj.
9. Ramjeet Prasad Son of Late Manbharan Prasad Resident of Village –
Barahara, P.S.- Bhore, District- Gopalganj.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Satyeshwar Prasad, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, AAG-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-02-015 Heard the parties.

The petitioner is aggrieved by the order dated 12.9.2014 passed by the Collector, Gopalganj in Encroachment Appeal No. 10 of 2012 whereby the Collector has remitted the matter to the Deputy Collector, Land Reforms, Hathua, District-Gopalganj for re-measurement of the public passage on land bearing Khesra No. 331 of Khata No. 182 in Mauja Barahara in the district of Gopalganj.

Perusal of the record manifests that it is pursuant to a



direction of this Court in CWJC No. 9883 of 2009 filed by the present petitioner that an enquiry was carried out as to the existence of road over Plot No. 331 which is claimed to have been purchased by the present petitioner. It is following such directions that the Circle Officer, Bhore Circle initiated Miscellaneous Case No. 1 of 2012-13 and after notice to the contesting parties including the petitioner found that the plot bearing Khesra No. 331 admeasured one katha and 18 dhurs and is registered as *Basgit* with the Jamabandi No. 228 running in the name of one Puran Gond. The Circle Officer has demarcated six dhurs of Plot No. 331 as a public road having an area of 140 kari x 8 kari in the light of a report submitted by the Anchal Amin. The private respondent being aggrieved preferred an appeal before the Collector, Gopalganj numbered as Encroachment Appeal No. 10 of 2012 relying upon a report of a second Amin which reported the public passage over 57 kari x 20 kari=1140 kari. The Collector, Gopalganj taking note of the two different reports submitted by two Amins and also taking note of the fact that no appeal was preferred by the present petitioner on the findings of the Circle Officer has remitted the matter for a conclusive finding by the Deputy Collector, Land Reforms, Hathua, District-Gopalganj as to the area over which the public passage is situated in view of the

conflicting reports and while doing so, he has also been directed to issue notice to the land holders and the purchasers.

Although the petitioner is aggrieved by such remand and learned counsel has also tried to canvass that the public road demarcated by the Circle Officer has been surreptitiously purchased by the private respondent but these are facts which he can very well bring to the notice of the Deputy Collector, Land Reforms, Hathua, District-Gopalganj during the course of exercise made by him on the basis of the order of remand. However not finding any infirmity with the order of remand, this Court is not persuaded to interfere with the same.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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