

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2154 of 2004

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Md.Gaffar son of late Md. Yakub, village-Bhatauni, PS-Chaisha Kuraini, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhepura
2. The Collector, Madhepura.
3. The D.D.C., Madhepura
4. The B.D.O., Chausa in charge Puraini, PS-Puraini (Chausa), District-Madhepura.
5. Executive Engineer, PWD, Madhepura.
6. Sri Manohar Ram, Junior Engineer, Agent of BDO, Puraini (Chousa), District-Madhkepura.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Aarshad Alam, SC-3 with
Mr. Fakhruddin Ali Ahmad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-04-2015

When the case was called out on 17th April 2015, no one appeared on behalf of the petitioner. Even today, no one is present on behalf of petitioner to press this application. The counsel for the State is present.

.In the present case, the petitioner is challenging the construction of building of the school over Plot nos. 355-356, measuring 1 decimal and 5 decimal, situated in village-Batauni, Mauza-Bansgopal, PS-Puraini, District-Madhepura, claiming that it is his raiyati land and the authorities have wrongly constructed the aforesaid building over his land.

In the counter affidavit, claim has been made by the State that plot Nos. 355-356 have been recorded as Government land and over that land, the building of the school has already been constructed.

The counsel for the State has refuted the claim of the petitioner and submitted that it is not the land of the petitioner rather it is a Government land and the petitioner cannot claim the right over the Government land. If he is so sanguine that it is his raiyati land, he ought to have approached appropriate forum.

In such view of the matter, this Court is not inclined to interfere with the construction of the building of the school. The petitioner, if so advised, may approach the appropriate forum/court for redressal of his grievance.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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