

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16834 of 2010

=====

Binit Choudhary @Vinit Choudhaary

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Viveka Nand Vivek

For the Respondent/s : Mr. (Sc10)

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 21-01-2015 The petitioner prays for quashing the letter no.324 dated 12.7.2010 as contained in Annexure-5 whereby the Anchal Amin was directed to make measurement of Khata No.1503, Khesra No.3819.

The case of the petitioner is that he along with his brothers purchased 9 decimals of land of Khata No.1503, Khesra Nos.3819 and 3820, Khata No.1502, Khesra No.3821 at Mouza Nagarpara under Bhagalpur district from recorded raiyat namely Basudeo Chaudhary, Bito Choudhary and Sitaram Choudhary.

Counsel for the State submits that one Shree Deo Choudhary, respondent No.8 has gifted the land in the name of Governor of Bihar in which Aanganbari Centre is running.

It appears that respondent No.9 filed a petition for measurement of land of Aanganbari Centre.

Counsel for the petitioner submits that he has no concern with the Aanganbari Centre. However, on his petition, the Circle Officer directed for measurement of Aanganbari Centre. The petitioner apprehends that the aforesaid measurement would adversely affect his right, title and interest over the lands purchased by him.

I find from Annexure-5 that the direction was to make measurement of Aanganbari Centre, Amarpur and not the measurement of petitioner's land. The Anchal Amin would restrict himself to measurement of Aanganbari Centre and not the land which is surrounded by the walls raised by the petitioner which would not be gone into pursuant to notice dated 12.7.2010 (Annexure-5). The issue whether respondent No.8 has given more land than his share or whether the petitioner has occupied more land than what was sold to him cannot be gone into pursuant to notice dated 12.7.2010.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--