

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17599 of 2013

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1. Iftekhar Ahmad Son Of Late Abdul Karim Resident Of Village : - Nautan
Balua, P.S. - Nautan District - West Champaran, Bettiah

.... Petitioner

Versus

1. The State Of Bihar, Through the Collector of the District West Champaran, Bettiah
2. The Sub-Divisional Officer, Bettiah
3. The Circle Officer, Anchal Nautan, District - West Champaran, Bettiah

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar
For the Respondents : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 13-08-2015 Heard Mr. Dhananjay Kumar for the petitioner and
AC to GA-2 for the State.

A counter affidavit has been filed on behalf of the
respondent nos. 1 to 3.

The present application has been filed for a direction
upon the district administration (respondents herein) to provide
security for construction of the boundary wall over the land. It is
the case of the petitioner that the land measuring 15 decimals was
settled with the father of the petitioner. Since the private parties
made attempts to encroach thereupon a Title Suit was filed for
declaration of right title and interest .The same was dismissed.
Aggrieved thereby an appeal was preferred which was allowed

and the same, on challenge, remained intact by this Court. The petitioner in such circumstances, moved the respondent authorities for providing adequate protection to him. It is submitted that petitioner was ready to deposit the cost for deployment of force in order to maintain law and order situation on the subject land but no action has been taken by the respondents propelling him to file the present application.

In the counter affidavit, it has been stated that on the application of the petitioner the District Magistrate directed the Anchal Amin to verify the situation and also to measure the land of the petitioner. The Anchal Amin after visiting the subject land and taking measurement thereof replied that the subject land was in possession of the petitioner. In fact, the petitioner had encroached over 04 decimals of land in excess of the subject/suit land. Counsel for the petitioner, however, explains that another suit relating to the 04 decimals of land is pending consideration before the Court. The petitioner claims 04 decimals of land also settled with him by the State of Bihar.

Seen thus, it appears the respondent authorities on the application filed by the petitioner got the land measured to find that the petitioner was in possession of 15 decimals of land which is the subject matter of the present case. However, it does not

appear therefrom that adequate support by way of deployment of force or otherwise was provided to the petitioner on any condition. The Rule of law obligates every State functionary to act in aid of the judicial pronouncement. There may also be a case where law and order situation may arise. In these backgrounds, this Court, while disposing of the application, observes that the district administration should look into the grievance of the petitioner and take effective steps as deemed necessary to ensure that the possession of the petitioner over the subject land (15 decimals) is not disturbed by the defendant of the suit. The petitioner cannot be left high and dry even after getting the dispute adjudicated upon in his/their favour up to this Court. This Court, therefore, observes that the respondent-authority will take appropriate steps in the matter as required in law on appropriate application filed by the petitioner.

Writ application is disposed of.

(Kishore Kumar Mandal, J)

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