

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.20949 of 2011**

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Saddam Hussain S/O Nasim Ansari Resident Of Village Barka Nuao Turkchakiya,  
P.O. Central Jail, P.S. Buxar (Mufasil), District Buxar.

.... .... Petitioner

Versus

1. The State Of Bihar through The Collector Buxar.
2. The Collector Buxar.
3. The Sub Divisional Officer Buxar.
4. The D.C.L.R. Buxar.
5. The Anchal Adhikari, Buxar Anchal, Buxar.
6. The Circle Inspector Buxar Anchal District Buxar.

.... .... Respondents

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**Appearance :**

For the Petitioner : M/s Raj Kishore Prasad Singh and  
Bal Bhushan Choudhary, Advocates  
For the State : Mr. Arvind Kumar, AC to SC 28

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 03-09-2015**

I have heard learned counsel for the petitioner and the  
State.

Petitioner's grievance is that, on the pretext of  
encircling of the graveyard on plot no. 182, portion of plot no. 183  
of petitioner's plot has been encroached by the State authority by  
erecting a boundary wall which has obstructed the main door and  
window of the petitioner's house standing on the plot no. 183.

A counter affidavit has been filed on behalf of the State  
clearly denying that any part of the petitioner's land has been  
encroached. It is categorically stated that the boundary wall has been



put on plot no. 182 only though there is also statement that the ancestor of petitioner has encroached 0.04 decimal of land of plot no. 182 but it is also admitted position that in the revisional survey records of right the area of plot no. 182 has been shown to be of 37 decimals. The report of Anchal Amin has also been appended as Annexure A to the counter affidavit which shows that plot no. 182 is not a square rather in the South East corner portion the plot no. 183 exists as shown in the sketch map given in Annexure A which tallies with the sketch map given by the petitioner in paragraph 6 of the writ application and in such report the Amin has also pointed out the alleged encroachment on the plot no. 182 from the northern side but not from the southern side where the petitioner's plot no. 183 exists. Therefore, it has to be construed that there is no encroachment by the petitioner on the plot no. 182 as there is no such allegation in the Amin's report appended as Annexure A.

Having regard to the facts and circumstances, this Court would be inclined to dispose of this writ application directing the District Magistrate, Buxar to ascertain as to whether any boundary wall is there in the plot no. 183 obstructing the door and window of the petitioner's house which is in the southern corner of adjacent plot no. 182. If such boundary wall has been erected, that has to be removed forthwith. Boundary Wall of plot no. 182 should be

encircled as per sketch map given in Annexure A to the counter affidavit which is admittedly the survey position and land of the plot no. 183, if taken inside the plot no. 182, should be vacated.

It is expected that the entire exercise would be completed within a period of eight weeks from the date of receipt / production of a certified copy of this order.

**(Dr. Ravi Ranjan, J)**

Spd/-

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