

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14914 of 2010

=====

Arvind Kumar @ Arvind Kumar Singh S/O Late Rajender Sharma @
Rajender Singh R/O Vill- Amahra, P.S.Bihta, Distt-Patna

.... Petitioner

Versus

1. The State of Bihar through Commissioner cum Secretary, Department of Revenue, Govt. of Bihar, Patna
2. Commissioner cum Secretary, Deptt. of Revenue Government of Bihar, Patna
3. The Collector cum District Magistrate, Patna, Patna Collectorate, Patna
4. District Land Acquisition Officer, Patna, Patna Collectorate, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Md.Faiyaz Alam

For the Respondent/s : Mr. AC to PAAG

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

.....

7 19-05-2015 Heard learned counsel for the petitioner and learned
AC to Principal Addl. Advocate General.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India has prayed for issuance of direction for including the land appertaining to Khata no.625, Plot No.267, measuring an area of 0.40 acre, situated in Mauja-Amahra, Thana No.44, P.S. Maner, Pargana-Maner, district Patna entered in Khatiyani as Gairmazarua Malik in the list of acquisition in respect of “Mega Audiyogik Park hetu Arjanadhin Bhumi Main Awasthit Gair Majarua Malik Raiyati Bhumi”. It has been claimed by the petitioner that the land in question was earlier

settled in favour of the petitioner and without any acquisition proceeding, the Respondent/ State is contemplating to use the land.

In this case, a counter affidavit has been filed on behalf of Respondent State and in paragraph-4 of the counter affidavit, it has been indicated that the said land is recorded as Gairmazarua Malik and has been declared as Government Land. It has further been indicated that after proper enquiry, Jamabandi , for which rent receipt for the land was issued, has been cancelled under Section 4(H) of the Bihar Land Reforms Act 1960 vide Case no.101/2009-10

In view of the facts and circumstances, particularly the stand taken in the counter affidavit, the Court is of the opinion that at this stage, no positive order can be passed in favour of the petitioner. If so advised, the petitioner may avail appropriate remedy.

The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--