

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3730 of 2016

=====

Ram Punit Jha Son of Late Ayodhya Jha Resident of village - Bardaha, P.S.
Chhaurahi, Distt. - Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department,
Govt. of Bihar, Patna
2. The Director, I.C.D.S., Govt. of Bihar, Patna
3. The District Magistrate, Begusarai
4. The D.D.C., Begusarai
5. The D.P.O. Begusarai
6. The Block Development officer, Chhaurahi, Begusarai
7. The Chief Development Project Officer, Chhaurahi, Begusarai

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Hare Krishna Prasad, Advocate

For the State : Mr. S. RAZA AHMAD- AAGIX

Mr. Md. Anisul Haque, AC to AAG IX

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-07-2016

Heard learned counsel for the petitioner and the State.

The grievance of the petitioner is that Anganbari Centre No.
37 is being constructed upon a purchased land of Khesra no. 542
appertaining to Khata no. 375, Thana No. 59, Tauzi No. 1091,
Mouja Amari of an area of 1 katha 10 dhurs.

It is contended that the aforesaid land was purchased by the
petitioner in the year 1990 through a registered sale deed from Ram
Japo Das son of Pyare Das who got it settled from the ex-
intermediary. The petitioner claims to be in possession of the land.

It is well settled that the land owned by a person can only
be utilized by the State or its instrumentalities either after its

acquisition in accordance with law and payment of compensation to the concerned or upon consent of the owner.

However, the question is that the Anchal Adhikari is saying that the land recorded as Gair Majarua Aam in the revenue records of right.

The petitioner has filed a representation before the DDC, Begusarai but it is contended that no decision has been communicated to him till date.

Considering the aforementioned facts and circumstances of the case, this Court would be inclined to dispose of this writ application with a liberty to the petitioner to approach the respondent no. 3, i.e., the District Magistrate-cum-Collector, Begusarai, by making a detailed representation setting out his claim along with the documents in support thereof. Thereafter, the District Magistrate would proceed to examine the matter after granting reasonable opportunity to all concerned and take a decision regarding the claim of the petitioner. If it is found that the concerned land was mutated in the name of the ancestor of the vendor of the petitioner then it would definitely mean that its nature has changed and the State has recognized the same and till such Zamabandi stands created in favour of such person, it cannot be presumed to be a public land.

Be that as it may, the District Magistrate, Begusarai would proceed to take a decision in the matter on its own merit and in accordance with law and communicate it to the petitioner. If he finds that the construction has been made on the land purchased by the petitioner then two options would be there. First would be to acquire the land and grant compensation to him in accordance with law. Second option would be to remove the construction and release the land in favour of the petitioner within three months from the date filing of such representation. However, if he finds that the land does not belong to him and it is a public land then a reasoned order would be required to be passed in the matter on its own merit and in accordance with law within the aforesaid period.

In case a decision is taken to acquire the land then such acquisition should be made in accordance with law and compensation should be granted to the owner within a period of six months from the date filing of representation by the petitioner.

Till such decision is taken by the concerned District Magistrate, let no further construction be made by the respondents.

(Dr. Ravi Ranjan, J)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-07-2016
Transmission Date	NA