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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11920 of 2013

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1. Rajendr Pal Son Of Late Deo Narayan Pal Resident Of Village- Shanti Nagar, P.S.- Maner, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Bihar, Patna
2. The Collector, Patna, District Patna
3. The Sub-Divisional Magistrate Danapur, District Patna
4. The Circle Officer, Circle Maner, District Patna
5. The Block Development Officer, Block Maner, District Patna
6. The Officer-In-Charge Maner, Police Station District- Patna
7. The C.D.P.O. Block Maner, District- Patna
8. The Panchayat Secretary, Geyaspur, Gram Panchayat Block, Maner, District Patna
9. The Forester Prakhand Maner, District- Patna
10. Smt. Manju Devi Wife Of Sri Ajit Kumar Village- Sahalichak, Mukhia Geyaspur Gram Panchayat Prakhand Maner, District- Patna
11. The Up-Sarpanch Gram Panchayat Geyaspur, Prakhand Maner, District- Patna

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

2 02-03-2016 Heard the counsel for the petitioner and the State.

The writ application sought a direction upon the respondents to forbear from constructing Aganbari centre on khata no. 153, khesra no. 1716 measuring an area of 04 decimals situated in Mouza Ahiyapur, Shantinagar, P.S. Maner, Dist. Patna. According to the petitioner, he is in possession of the said land since 1935 and is residing thereover.

Raising similar submission the petitioner had earlier filed a writ petition being CWJC No. 5351 of 2013 stating that the

Circle Officer had issued notice to the petitioner on 4.10.2012 to appear before him and produce evidence with regard to the possession of the land which was considered as encroachment over the Government land . This Court by order dated 12.4.2013 (Annexure-5) directed the Circle Officer to pass appropriate order in the said proceeding .

From the counter affidavit, it appears that the said proceeding was pending on the file of the Circle Officer since 2012-13 in which notices on previous occasions were issued to the petitioner. Neither the petitioner appeared nor filed any reply. The proceeding was disposed of on 2.3.2013 holding the subject land as the government land and the petitioner as the encroacher thereover. He was directed to remove the encroachment over the said land. The aforesaid order is not enclosed by the petitioner. The respondents, in the counter affidavit, enclosed the said order stating that in the light of the final order dated 02.03.2013 passed by the Circle Officer , the encroachment over the Government land has been removed and the building of the Anganbari Centre has been constructed. Construction of the AnganBari Centre on the subject land is not disputed by the petitioner. The only contention is that he was in possession of the Government land for several years and as such certain right is vested in him. Be it

further noted that in the counter affidavit a stand has been taken that the petitioner has other dwelling house in the other Mohalla/village , which according to the petitioner, belongs to his son.

This Court is not inclined to invoke the writ jurisdiction in these background to grant the relief. The writ application stands disposed of. The petitioner may approach the appropriate forum/authority/court for declaration of his right on the basis of possession/dispossession over the subject land which indisputably was Government land.

(Kishore Kumar Mandal, J)

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