

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12118 of 2010

Pawan Kumar Singh @ Pawan Singh S/O Late Dinesh Singh R/O Vill.-
Rahamatpur, P.S.- Asarganj, Distt.- Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Of Bihar
2. The Collector/District Magistrate, Munger
3. The Sub-Divisional Officer, Tarapur, Distt.- Munger
4. Sunil Kumar Suman son of Anul Lal Thakur, village Rahmatpur, P.S. Asargan,
Munger

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. DHANANJAY KUMAR

For the Respondent/s : Mr. (AAG-3)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 27-06-2016

Heard Mr. Dhananjay Kumar for the petitioner, the counsel for
the private respondents as well as the State.

Without disclosing his right to hold the land appertaining to
khata no. 141, keshra no. 603 measuring an area of 05 dhurs situated in
Mauza Rahamatpur in the district of Munger, the writ application has
been filed seeking a direction upon the respondents to take disciplinary
action against the Sub-Divisional Officer, Tarapur, Munger for his acts of
omission and commission and also to restore his boundary wall over the
land in question.

On going through the counter affidavits of the private
respondent as well as the State, it does appear to the Court that there is a
serious dispute with respect to title over the land between the petitioner
and the private respondent. It is stated that a proceeding under section



144 Cr. P.C. was initiated in respect of the land at the instance of the private respondent which was ultimately dropped in 2009. Again, an application was filed by the private respondent before the SDM on which a notice (Annexure-5) was issued to the petitioner in order to initiate another 144 Cr. P.C. proceeding. The same was assailed by him before the superior court vide Cr. Revision No. 287 of 2009. The learned revisional court admitted the revision application and granted stay. In the meanwhile, the private respondent approached the revenue authority as well as the district administration raising a grievance that the land purchased by him for using as Raasta (road) was illegally obstructed by Smt. Meenu Devi, wife of Sri Smirti Singh by constructing a wall. A demarcation proceeding was initiated in which a report was called for. The Anchal Amin, on perusal of the papers, found that there was a dispute with respect to the land as the same was recorded in the revenue record as 'Gairmazrua Malik Wo Thikedar'. Having found that the wall was illegally constructed by Smt. Meenu Singh wife of Sri Smirti Singh and the land was of the government the boundary wall was removed. In these circumstances, the petitioner has filed the present writ petition. As noted above, the Court finds a serious dispute with respect to title of the land. How the petitioner is really concerned is also not amply clarified.

Indisputably, the land is recorded as 'Gairmazrua Malik Wo Thikedar' in the records of right. How the parties purchased the land is another aspect to be gone into. In my view, it is not a fit case where the extraordinary and discretionary writ jurisdiction of the case can be exercised/invoked. It is for the petitioner or the private respondent to approach the court of competent jurisdiction for resolution of the dispute

in accordance with law.

Declining the relief prayed for in this writ application, the same
is disposed of.

(Kishore Kumar Mandal, J)

HR/-

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