

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13165 of 2013

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1. Usha Manaki Daughter Of Nand Kumar Manaki Resident Of Village- Neyajipur,
P.S.- Simri, District- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, Land Reforms And Revenue, Government Of Bihar, Patna
3. The Divisional Commissioner, Patna
4. The District Magistrate, Buxar
5. The Superintendent Of Police, Buxar, District- Buxar
6. The Sub Divisional Officer, Buxar, District- Buxar
7. The Circle Officer, Buxar, District- Buxar
8. Rajesh Kumar Son Of Not Known To The Petitioner The Executive Magistrate, Sub Division, Buxar District- Buxar
9. The Executive Magistrate, Sub Division, Buxar District- Buxar
10. Bihar Urban Development Company Through Its Managing Director, Maurya Lok Patna, District- Patna
11. The Managing Directors, Bihar Urban Infrastructure Development Corporation Ltd.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar
Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Neeraj Nandan, G.P.-10

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 18-03-2016

Heard Mr. Dinu Kumar for the petitioner and the Counsel for the State.

Counter affidavit(s) have been filed on behalf of the concerned respondents. No rejoinder to the counter affidavit filed on behalf of respondent nos. 4 to 7 has, however, been filed by the petitioner.

The application raises a grievance that the land measuring 15 dhurs appertaining to Khata No. 369, Plot no. 3503 situated in Mauza



Buxar, Thana no. 332, District- Buxar was purchased by her on 27.2.2012. Thereafter, she got her name mutated. Proceedings under Section 107 as well as 144 Cr.P.C. were also initiated against the petitioner. The State treated the land as State land. For the purpose of construction of treatment plant, the said land was to be used . Under the orders of the Sub-Divisional Officer, Buxar, a Magistrate was deputed and the State after demolishing the structure there over removed the petitioner from the said land on 3.5.2013. The same was done in a wholly arbitrary manner.

In the counter affidavit, the respondents have stated that the subject land was acquired by the State in the year 1969 and the owners thereof were paid the compensation. In the Revenue Records (R.S. Khatiyar), the subject land stood recorded in the name of Public Works Department which continued. The aforesaid fact has not been disclosed by the petitioner and the writ petition has been filed. It is also stated that few persons like the petitioner subsequently filed Title Suit against the State but lost.

As noticed above, no rejoinder to the said counter affidavit has been filed by the petitioner.

On a consideration of rival submissions, this Court finds difficulty in granting relief to the petitioner by invocation of writ jurisdiction considering the rival claims of the parties.

The application stands disposed of granting the petitioner liberty to ventilate her grievance before appropriate Court/Forum in accordance with law.

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(Kishore Kumar Mandal, J)