

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14740 of 2013

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Rashmi Sinha W/O Ram Bhagwan Sinha Village- Soradih, P.S- Harnaut, Distt.- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Deptt. Of Land Reforms and Revenue Govt. Of Bihar, Patna
3. The District Magistrate, Patna
4. The Senior Superintendent Of Police, Patna
5. The Registrar, District Registration Office, Patna
6. The Deputy Collector, Land Reforms, Patna
7. The Circle Officer, Patna Sadar, Patna
8. Smt. Sunaina Devi W/O Late Tileshwar Prasad, Resident Of Mohalla- Tilak Nagar (Kumar Niketan N/26), P.S.- Patrakar Nagar, Distt.- Patna
9. Mr. Kumar S/O Late Tileshwar Prasad Resident Of Mohalla- Tilak Nagar (Kumar Niketan N/26), P.S.- Patrakar Nagar, Distt.- Patna
10. Vikash Kumar Ranjan @ Vikash Ranjan S/O Vijendra Singh Resident Of Ranipur Chak, P.S.- Chowk, Distt.- Patna
11. Sanjeev Ranjan S/O Vijendra Singh Resident Of Ranipur Chak, P.S.- Chowk, Distt.- Patna
12. Md. Amzad Ali S/O Late Abdul Razak Resident Of Dargah Road, Beldar Toli, P.S.- Sultanganj, Distt.- Patna
13. Subodh Kumar S/O Janardan Prasad Resident Of Sector- F/34, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, Distt.- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SUNIL KUMAR VERMA

For the Respondent/s : Mr. AJAY BIHARI SINHA

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 28-03-2016

Heard the counsel for the petitioner and the State.

The petitioner is the wife of an air force personnel. She purchased 3600 Sq.ft. of land under registered sale deed no. 2704 dated 01.07.03. The revenue records were accordingly altered and the petitioner continuously paid the land rent in respect of the subject land detailed in paragraph 1 of the application. Subsequently, it was found that the private respondents had put up a

boundary wall which created obstacles in her possession of the land. A letter in this regard also appears to have been issued by the Superior Authority of the Air Force. No action having been taken, the present writ petition is filed.

Mr. Verma states that under the Bengal Survey Act, the Collector has the requisite jurisdiction to measure and demarcate the land and to see whether there is encroachment on the land. If need be, the Authority can also extend protection to the deserving party. In this connection, he has relied on ***Bajrangi Das Vs. State of Bihar, [2010 (4) PLJR 606]***.

The counsel for the State pointed out that no such application is filed by the petitioner invoking the jurisdiction of the Collector.

Having heard the parties, the application is disposed of permitting the petitioner to approach the respondent no. 3 (District Magistrate Patna), for ventilation of her grievance as raised in the writ application. The respondent-District Magistrate, Patna shall consider/examine the same and take appropriate steps or decision in accordance with law as quickly as possible preferably within (04) months from such filing of application along with copy of the order.

(Kishore Kumar Mandal, J)

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