

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19116 of 2016

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1. Kumari Radhika Sinha, wife of Late Anandi Prasad, r/o Village Nohas, P.S. Ben, District- Nalanda
 2. Sri Basudeo Prasad, son of Late Bhagirath Prasad, r/o Village Nohas, P.S. Harnaut, Distt. Nalanda

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms Govt. of Bihar, Patna
3. The Collector, Nalanda
4. The Circle Officer, Block Bem District- Nalanda
5. Narendra Nandan, s/o Late Ram Sharam Prasad, r/o village Nihsua, P.S. Ben District- Nalanda

.... Respondents

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Appearance :

For the Petitioners : Mr. Rabindra Prasad Singh, Advocate
For the State : Mr. Rakesh Kr. Shrivastava, A.C. to G.P. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-11-2016

Heard parties.

It is contended on behalf of the petitioners that under the garb of removal of encroachment existing on half decimal of plot no.1122, the petitioners' house standing over their raiyati plot nos. 1116 and 1127 is threatened to be demolished and removed. Petitioners have appended a copy of Khatian to show that those plots belong them. They have also appended a copy of the 'Khata Pusthika' to show that such land is under the khata of Basudeo Prasad who is the petitioner no.2.

However, admittedly notice for demolition of structure

is on the plot no.1122 and not on the plot nos.1116 and 1127, therefore, this Court would direct the District Magistrate-cum-Collector, Nalanda, Biharshariff to measure and demarcate the plot nos.1116 and 1127 in the presence of the petitioners. The petitioners would be required to appear on 12th December, 2016 along with a copy of this order. The Collector, on that day, would fix a date of measurement and communicate it to the petitioners so that they would remain present on the spot.

It is made clear that petitioners have nothing to do with the plot no.1122, therefore, the authority concerned may proceed to remove encroachment from plot no.1122 after measurement and demarcation of plot nos.1116 and 1127 claimed by the petitioners as no encroachment proceedings have been initiated over those plots.

This writ petition stands disposed of with the aforesaid direction given to the concerned authority.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2016
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