

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1318 of 2016

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Awadhesh Rai, Son of Punit Rai, Resident of Brindawan Tola Parsouni, P.S.
Kalyanpur, District - East Champaran

.... Petitioner

Versus

1. The State of Bihar through the Secretary, GRAMIN VIKASH, Bihar, Patna
2. The Collector, East Champaran at Motihari
3. The Sub - Divisional Magistrate, Chakiya, East Champaran
4. The Block Development Officer, Kalyanpur, East Champaran
5. The Circle officer, Kalyanpur, East Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate
For the State : Mr. D.K. PRASAD- GP 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 30-11-2016

Heard parties.

Petitioner's grievance is that part of his plot no.4457 appertaining to khata no. 504 of village, Brindawan Tola Parsouni, P.S. Kalyanpur, District, East Champaran, has been utilized in construction of a road whereas counter affidavit filed on behalf of the State respondents denies that and it is submitted that road has been



constructed only on plot no.4428 which is “Gair Mazarua Aam” land.

Having regards to the aforementioned dispute having arisen between the parties, this Court would direct the District Magistrate, East Champaran to make measurement and demarcation of petitioner’s plot no.4457 in his presence within a period of four weeks from the date of receipt/production of a copy of this order. When the petitioner would appear before the District Magistrate, East Champaran along with a copy of this order, he will fix a date of measurement on which petitioner should also remain present. During that measurement, if it is found that part of his land has been utilized in construction of road then suitable action should be taken for removing the same and bring it to its original nature or for acquisition of that part in accordance with law. Apart from above, the respondents should also fix responsibility in such a situation upon the persons who have erred and prompted in filing the counter affidavit stating that there has been no encroachment. However, that is required only in a situation when, after measurement in the presence of the petitioner, it is found that part of his plot no.4457 has been utilized. However, it is made clear that if the petitioner even after that is not satisfied then only course open to him would be to move before a competent forum including a civil court of competent jurisdiction.

Accordingly, this writ application stands disposed of with



the aforesaid directions and observations.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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