

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2043 of 2016

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Mithilesh Kumar, Son of Sri Maheshwar Mahto, Resident of village – Gonawan,
Police Station – Harnaut, District Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, The Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, The Government of Bihar, Old Secretariat, Patna
3. The Principal Secretary, Social Welfare Department, The Government of Bihar, Old Secretariat, Patna
4. The District Magistrate, District Nalanda at Bihar Sharif
5. Superintendent of Police, District Nalanda at Bihar Sharif,
6. Sub Divisional Officer, Bihar Sharif sub Division, Nalanda
7. The Circle Officer, Harnaut Circle, District Nalanda
8. Block Development Officer, Harnaut Block, District Nalanda
9. Officer-in-Charge, Harnaut Police Station, District Nalanda
10. Mukhiya, Gonawan Gram Panchayat, Block Harnaut, Nalanda
11. Secretary, Gonawan Gram Panchayat, Block Harnaut, Nalanda

.... Respondents

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Appearance :

For the Petitioner : M/s Rabi Bhushan Prasad No. 1 and
Vijay Prakash Bhargava, Advocates

For the State : Mr. Ravi Ranjan, AC to SC 22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-12-2016

Heard parties.

The allegation of the petitioner is that under the garb of some decision of Gram Sabha to construct Aaganwari Centre on plot no. 669 appertaining to khata No. 295 of an area of 10 decimals in the village Gonawan, Block Harnaut, District Nalanda, the Aaganwari Centre has been constructed on the petitioner's purchased land of plot nos. 667 and 668 appertaining to Khata No. 297.

In view of the aforesaid allegation, this writ application is being disposed of with a liberty to the petitioner to approach the



District Magistrate, Nalanda by filing a representation setting out his claim along with the documents in his support. On such representation being filed, the District Magistrate would make an inquiry and get the concerned land of the petitioner measured and demarcated in his presence and, thereafter, pass an order whether any construction is there over the purchased land of the petitioner or not. If any construction is found on the purchased land of the petitioner then he should take step for removal of such encroachment from that part of the land or alternatively he may offer to the petitioner to pay compensation of the said land after its acquisition in accordance with law.

It is made clear that this Court has been informed that some guideline has been issued by the State Government directing that no part of Raiyati land should be utilized for construction without its acquisition or without the consent of the concerned parties. The aforesaid decision would be required to be taken within a period of two months from the date of filing of representation along with a copy of this order and, thereafter, consequential action would be required to be taken within a further period of one month. If the concerned land is required to be acquired then that should be done within further period of three months.

It is further made clear that if the Collector comes to the conclusion that no part of the petitioner's land has been utilized in



construction or the utilized land does not belong to the petitioner then he should pass a reasoned order within the aforesaid period of two months and immediately communicate it to the petitioner.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2017
Transmission Date	NA

