

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.185 of 2016

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Harishchandra Upadhyay, S/o Late Srikant Upadhyay, R/o Village-
Chilwaniya, P.S.- Banjariya, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. District Magistrate, East Champaran, Motihari
3. Deputy Development Commissioner, East Champaran, Motihari
4. Sub-Divisional Officer, Sadar, Motihari, District- East Champaran
5. Land Reforms Deputy Collector, Sadar, Motihari, District- East Champaran.
6. Block Development Officer, Banjariya, East Champaran.
7. Circle Officer, Banjariya, East Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent/s : Mr. Dinbandhu Singh, G.P.-9
Mr. Sandip Singh, AC to GP-9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 10-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner seeks direction to the respondent authorities to measure/demarcate of his land measuring 10 dhurs of Khesra No.101 appertaining to Khata No.47 of Mauza-Tarkuwa in village Chilwaniya in the district of East Champaran.

It is contended that the land in question is purchased land of the petitioner. He has appended a copy of the sale deed executed on 2.12.2008 in support thereof. It is claimed that the authorities have already utilized two dhurs of land of the petitioner and they are now proposing to widen the road by demolishing the boundary wall of the petitioner. The petitioner further claims to have approached the District Magistrate, East Champaran,

Motihari also for the said purpose vide Annexure-3 but no action has been taken as yet.

Having regard to the aforementioned facts and circumstances, this writ application is being disposed of granting liberty to the petitioner to once again move before the District Magistrate, East Champaran, Motihari by filing a representation along with a copy of this order and also with the documents in support of his claim. On such representation having been filed, let the respondent no.2 examine the matter and if he is satisfied that the petitioner grievance is correct then he will get the land of the petitioner measured and demarcated and, if the road has been constructed upon the land of the petitioner, the construction would be required to be removed so that the land is brought to its original form and nature and possession be delivered back to the petitioner. However, if he is not satisfied with the claim of the petitioner then he would be required to pass a reasoned order and communicate the same to the petitioner immediately. However, if the land is required in public interest then the State Authorities would be at liberty to take step for its acquisition in accordance with law.

It is expected that the aforesaid exercise would be completed within a period of two months from the date of receipt/production of a copy of order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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