

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14172 of 2013

Ram Narain Sharma S/O Late Mahadeo Mistri Resident Of Village – Mansahi,
P.S. Mansahi, Panchayat Saheb Nagar, Distt. Katihar

..... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. Principal Secretary, Revenue and Land Reforms Department Govt. Of Bihar, Patna
3. Commissioner, Purnea Division, Purnea
4. District Magistrate, Katihar
5. Superintendent of Police, Katihar
6. S.D.O., Katihar
7. Circle Officer, Mansahi
8. B.D.O., Mansahi Distt. Katihar
9. S.H.O., Mansahi Distt. Katihar
10. Executive Officer, Mansahi
11. Mukhiya, Sahev Nagar Panchayat Distt. Katihar
12. D.D.C., Katihar

..... Respondent/s

Appearance :

For the Petitioner/s : Mr. AMRENDRA KUMAR SHRIVASTAWA
For the Respondent/s : Mr. ASHOK KUMAR KESHRI

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 10-05-2016

Heard the counsel for the petitioner and the State.

On the basis of the instructions received, the counsel for
the State assisted the Court.

In sum and substance, the prayer in the writ petition is to
direct the authority not to forcibly use the land of the petitioner
appertaining to khata no.231, khesra no.458 which is
adjacent/contiguous to plot no.459 whereon an Aangan Bari Centre
has been constructed by the government. It is stated that the said
Aangan Bari Centre has no access to road and, as such, the

government or the users thereof are forcibly utilizing the entire land of the petitioner.

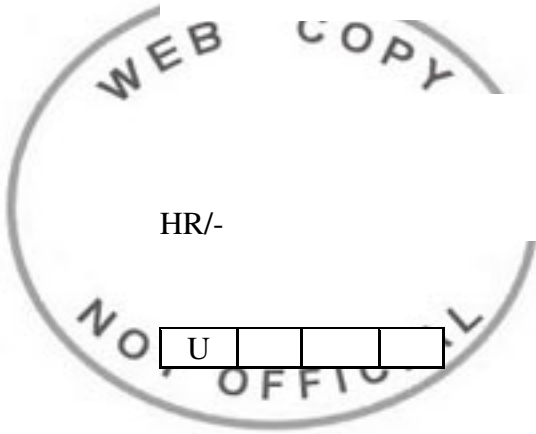
The counsel for the State, on the basis of the instructions received, submits that under Bihar Raiyati Bhoomi Lease Niti 2014, the government has given a proposal to the petitioner for acquisition of 04 decimals of land in the said plot which shall provide ingress and egress (Raasta) to the Aangan Bari Centre.

The counsel for the petitioner states that if such proposal is made, the petitioner will appropriately respond to that. He, however, further submits that since the entire land of the petitioner in the said plot is being used by the respondents, the petitioner would volunteer to give the land to the State Government against adequate compensation. This is a matter which the petitioner has to propose and the State Government has to respond. The Court desists from making any comment thereon.

Considering these facts, the writ application stands disposed of permitting the petitioner to respond to the proposal of the State Government in respect of the part/portion of the land in the plot no. 458. It will be open to the petitioner to give counter proposal/offer to the State respondent for consideration in accordance with law.

The counsel for the petitioner, after the order is passed, submits that the boundary wall constructed by the petitioner over the land in question was removed/demolished by the State for which a claim was raised and the matter is under consideration before the Circle Officer. If that be so, the petitioner would be entitled to make a claim for payment of compensation which the respondents, including

the Circle Officer, shall be legally obliged to consider and take an appropriate decision in accordance with law.



(Kishore Kumar Mandal, J)

HR/-