

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5112 of 2013
IN
Civil Writ Jurisdiction Case No. 19472 of 2011

=====

Bhikhari Raut S/O Late Phulai Raut R/O Vill- Mahesh Pur, P.O- Motipur, P.S-
Rosera, Distt- Samastipur Petitioner

Versus

1. The State Of Bihar Through Mr.Santosh Mathura, The Secretary, Rural Development, Govt. Of Bihar, Patna.
 2. Mr. Kundan Kumar, The District Magistrate, Samastipur.
 3. Mr. Varun Kr. Sinha, The Superintendent Of Police, Samastipur.
 4. Mr. A.K. Saxena, The Circle Officer, Rosera, Samastipur.
 5. Mr. Sunil Kumar, The S.D.M., Rosera, Samastipur,
 6. Mr. Gauri Shankar Yadav, Prof Of M/S Gauri Shankar Yadav Contractor Of The Road Of Fateh Pur To Pithadovi In The Village Mahesh Pur, P.O- Motipur, P.S- Rosera, District- Samastipur Respondents
- =====

Appearance :

For the Petitioner/s : Mr. SHUBHESH PANDEY, Advocate
For the Respondent/s : Mr. SUNIL KR. MANDAL, SC 24

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 20-07-2016

The petitioner claims to be a raiyat of land measuring 15 dhur bearing Khata No.25(old), Khesra No.2150(Old), Thana No.49 in village Maheshpur, P.S. Rosera in the district of Samastipur. He submits that a part of his land is being used in construction of public road under Pradhan Mantri Gramin Sadak Yojana. C.W.J.C.No. 19472 of 2011 had been filed by him in this regard which was disposed of vide order dated 13.12.2011 in following terms:-

“The petitioner would file a detailed representation raising his grievance before the S.D.M., Rosera for measurement and demarcation of his land from public land. The petitioner would also annex the relevant documents in support of his claim. The petitioner would also deposit the necessary cost for measurement and demarcation of his land. The S.D.M., Rosera would cause measurement of the land within a period of four weeks from the date of receipt/production of a copy of this

order. The respondents would continue the construction of the road save and except on the raiyati land of the petitioner.”

Opposite parties have filed show cause stating that no encroachment has been made on petitioner’s land i.e. Khesra no. 2151. On the other hand, on measurement done in presence of Amin of both sides, the petitioner was found to have encroached 1 Katha 1 dhur of public land (road) of Khesra no.2151 and has occupied it as Sahan, Bhuskar and by planting Banana tree etc, for which encroachment proceeding is being contemplated.

The petitioner submits that the construction has been made by the opposite parties on his own land which fact is being denied by the latter.

This Court, in contempt application, cannot go into the veracity of the disputed facts. The contempt application is disposed of with liberty to the petitioner to take resort to remedy available under law. It would be open for the petitioner to make a prayer for re-measurement of the land in question in such proceeding.

(Samarendra Pratap Singh, J)

Shashi.

NFR/NAFR	
CAV DATE	NA
Uploading Date	1.8.2016
Transmission Date	1.8.2016