

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 61 of 2017

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Sargun Sah, S/o Late Ayodhya Sah, Resident of Village- Madhay, P.O.-
Sanjha, P.S.- Rajaun, District- Banka.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of land & Revenue, Govt. of Bihar, Patna.
2. The Circle Officer, Rajaun, District- Banka.
3. The Officer Incharge, P.S.- Rajaun, District- Banka.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava

For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 17-05-2017 This matter has been listed out of turn on the basis of
mentioning slip filed on behalf of the petitioner.

Heard learned counsel for the petitioner as well as
learned counsel appearing for the State.

The petitioner has prayed for issuance of direction to
respondent no. 2 to ensure the measurement of Khata No. 70, Plot
No. 244, Area 0.28 decimal of Mouza Madhay, District Banka for
which he has already deposited the necessary fee with competent
authority.

The petitioner prayed for measurement of the
aforesaid land before the Circle Officer, Rajaun, District Banka
who, in turn, directed the Halka Karamchari to ensure the



measurement of land of the petitioner but in spite of depositing of necessary fee in this regard the work of measurement could not be done though petitioner made several efforts to get the aforesaid land measured by the competent authority. The petitioner has claimed the aforesaid measurement on the ground of decree passed in Title Suit No 38 of 2004 which had been filed by the petitioner seeking for declaration of his right and title in respect of the aforesaid land and also for measurement of his land.

In my view, when the title and possession of the petitioner was declared by a competent civil court and the petitioner claims measurement on the ground of decree passed by the civil court, the petitioner should file an execution case for execution of decree in question and the petitioner cannot take any help of this court for execution of decree passed in Title Suit No 38 of 2004.

Accordingly, this writ petition stands disposed of giving liberty to petitioner to raise his grievance before the appropriate forum in accordance with law.

(Hemant Kumar Srivastava, J)

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