

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.846 of 2014
IN
Civil Writ Jurisdiction Case No. 16488 of 2012**

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1. Ashutosh Prasad Narayan Singh @ Asho Prasad Singh, Son of Late Madan Prasad Singh, resident of village Kutawath, P.S.- Barbigha, District- Sheikhpura, at present resident of "Matri Kutir, Mohalla- Tilak Nagar, Police Station- Kankarbagh, District- Patna

.... Appellant/s

Versus

1. The State of Bihar, through the Director General of Police, Government of Bihar, Old Secretariat Building, Patna
2. The District Magistrate, Sheikhpura
3. The Superintendent of Police, Sheikhpura
4. The Sub Divisional Officer, Sheikhpura
5. The Circle officer, Barbigha, District- Sheikhpura
6. The Officer-in-Charge, Police Station Barbigha, District- Sheikhpura
7. Madan Paswan father's name not known, resident of village Nasratpur, P.S. Barbigha, District- Sheikhpura
8. Alakhdeo Paswan Son of Late Bhagwan Das, resident of village Nasratpur, P.S. Barbigha, District- Sheikhpura

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Kumar Uday Singh
Mr. Ramakant Yadav
Mr Rakesh Kumar No.1
For the Respondent/s : Mr. P.K.Verma, AAG 3
Mr S.K.Sharma, AC to AAG 3

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 01-08-2017

Heard learned counsel for the appellant and learned
Additional Advocate General No.3.

The District Magistrate, Sheikhpura has appeared in
person again to show his bona fide in carrying out the earlier direction



and assurance to the Court as well as the steps, which have been taken by him. The facts with supporting evidence and materials have been brought on record in the supplementary counter affidavit filed on his behalf.

The District Magistrate has accepted the position that the appellant is a title holder of the land after many rounds of dispute and that his right guaranteed under the Constitution also cannot be wished away.

Certain apprehensions have been expressed by learned counsel representing the appellant which, in the opinion of the Court, are genuine apprehensions looking at the potential for mischief by the vested interest, which have been nagging and dragging the appellant all these years.

The counsel submits that if the district administration at least once provides the support, the appellant can go on the land and till it which will be more a gesture of token of the appellant establishing his right over the land and use it in the manner he likes.

The District Magistrate has very fairly offered to cooperate in this regard. Let the appellant take a decision as to the date he would like to plough and cultivate his land and the relevant support system as assured by the District Magistrate will be made available to him. It is left between the appellant and the District



Magistrate to work out the date and the modality.

The personal appearance of the District Magistrate stands dispensed with with one hope that the District Magistrate will continue to be sensitive towards such cases because every citizen living in the district of which he is the head look forward towards him for many an issues.

The appeal now stands disposed of with the observations as above.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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