

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12875 of 2013

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Kamal Narayan Jha, Son of Late Mahesh Jha, Resident of Village - Debarh,
P.S. Ghoghardiha, District - Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector Cum District Magistrate, Madhubani
3. The Sub - Divisional Magistrate, Madhubani
4. The Circle Officer, Ghoghardiha, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-05-2017 Heard learned counsel for the petitioner and learned
A.C. to G.P.-26 for the respondents.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the Government road appertaining to Plot No. 967 (old), 1945 (new) situated in Dewarh Village under Ghoghardiha Block in Madhubani District.

A counter affidavit has been filed on behalf of the respondent nos. 1 to 4 wherein a statement has been made in paragraph no.11 that the land in question is neither a Government pond nor Aam Rasta nor an approach road. Further statement has been made in para 14 that though, the land in question was recorded in the revenue record as Gairmajarua Aam but one



Mahtap Singh took settlement of Survey Plot No. 967 and 962 from the ex-land lord by virtue of Hukumnama dated 09.04.1943, and the said Mahtap Singh got the land mutated in his favour. Misc. Case No. 06 of 2012-13 was initiated by the Circle Officer, Ghoghardiha against Mahtap Singh in respect of the tank in question which was ultimately disposed of in favour of Mahtap Singh and against the order of Circle Officer, Case No. 04 of 1995-96 was initiated before the Addl. Collector, Madhubani which was also disposed of in favour of Mahtap Singh.

Learned counsel for the petitioner is not controverting the statements made in the counter affidavit filed on behalf of respondent nos. 1 to 4.

In view of the fact that prima facie the counter affidavit suggests that the land in question is not a public land, hence the prayer of the petitioner for direction to respondent authorities for get the encroachment removed from the Government land is misconceived.

Accordingly, the present writ application is disposed of with liberty to the petitioner to seek remedy before appropriate forum.

(Dinesh Kumar Singh, J)

Amrendra/-

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