

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19817 of 2014

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Tikam Turi S/O Late Prashadi Turi Resident of Village Korasi ,P.S-
Sikandara,District-Jamui

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Jamui District-Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash, Adv.

For the Respondent/s : Mr. Dharendra Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

In the present case, the petitioner has raised a grievance that his land pertaining to Khata No. 176, Plot No. 696/716, Area 50 decimal situated at Mauza Jagdishpur, P.S. Sikandra in the district of Jamui has been illegally taken into possession where a police camp has been constructed without making any compensation.

The State has filed its counter affidavit wherein detailed description of the land, in question, vis-à-vis the police camp has been constructed, having stated that the Khata No. 116, Plot No. 696 having area of 450.44 acres and Khata No. 176, Plot No. 696/716 having an area of 221.06 acre were recorded in Khatian as



Gairmajarua Khas (Jungal) which vested in the Government of Bihar after abolition of Jamindari. Thereafter, some lands were settled with the eligible persons by the Government and Jamabandi were created.

As per learned counsel for the State, 0.50 acre of land of Khata No. 176 Plot No. 696.716 situated at Mauza Jagdishpur in Sikandra Block having been claimed to have been purchased in the year 1990 from Prayag Yadav Son of Dubadi Yadav, whereas, as per the State, the Plot No. 969.716, Area 221.06 acres out of which 1.90 acre of land were settled to Gopal Manjhi S/o Jhari Manjhi in the year 1963 and, there is no material to arrive to a conclusion in what manner the Prayag Yadav could be a Vendor of the petitioner. Further it has been stated that no police camp has been constructed over the land, in question.

Now the disputed question of fact cannot be looked into in the writ application. Accordingly, this Court directs the petitioner to file an application before the Commissioner, Jamui who will enquire into the matter as to whether the land of the petitioner has been utilized for construction of the police camp or not and if it is found that the land of the petitioner has been utilized, in such circumstances, this Court directs the administration to acquire the land and make payment of compensation. On the other hand if the findings go against the petitioner, the question of payment of compensation



does not arise.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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