

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9938 of 2015

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1. Najama Khatoon W/o Md. Aslam Ansari Marhoom , R/o village Belkhorhiora , P.S. Nath Nagar , PO- Dariyapur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Secretary , Land Reforms Department , Govt. of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur, District Bhagalpur.
3. The District Magistrate, Bhagalpur, District Bhagalpur.
4. The Sub Divisional Officer, Bhagalpur, District Bhagalpur.
5. The Circle Officer, Shahkunda, Bhagalpur, District Bhagalpur.
6. The Block Development Officer, Shahkunda, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Ranjan Kumar Jha, Advocate Mr. Dhananjay Kumar, Advocate
For the State	:	Mr. Harish Kumar- GP-8 Mr. Binod Kumar Sinha, A.C. to G.P.-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 03-04-2017

Heard learned counsel for the petitioner and learned A.C.
to G.P.-8 for respondents.

The present writ application has been filed with a prayer
for a direction to respondent authorities to get the encroachment
removed from Plot No. 1080 Khata No. 68, Thana No. 125 situated in
Village Baurgawn, in the District of Bhagalpur.

It is submitted by learned counsel for the petitioner that the
husband of the petitioner Md. Aslam Ansari purchased 36 decimals of
land, appertaining to Plot No. 1080, Khata No. 68, on 26.03.1985



from ex-landlord, Urmila Devi by registered sale deed, out of which the husband of the petitioner donated 15 decimals of land to the Governor of Bihar for the purpose of establishing Madarsa. The husband of the petitioner died in the year 1989. The donated land was vacant till 2013 but in the year 2014 some ante-social elements encroached upon the donated land. The petitioner submitted an application before Circle Officer, Shahkund, for demarcation of the land in question. In pursuance to the application of the petitioner, the Circle Officer, Shahkund, respondent no.5, vide memo no. 76 dated 22.01.2014, as contained in Annexure-1, directed the Circle Amin to demarcate the land appertaining to Plot No. 1080 khata no. 68. Consequently, the Circle Amin after measurement of the land in question submitted a report to the Circle Officer, Shahkund, respondent no.5, vide letter dated 27.01.2015, as contained in Annexure-3, which reflects that Pankaj Kumar and Prem Lata Devi purchased 3.726 decimals of land each appertaining to Khata No.68 Plot No. 1080.

It is further submitted that the petitioner submitted representations before the Circle Officer, Shahkund, Officer In-Charge, Sabour and District Magistrate, Bhagalpur for removal of the encroachment but no action has been taken as yet.

It is submitted by learned counsel for respondents that



report of Circle Amin does not suggest that during measurement any encroachment was found on the plot no. 1080 Khata No. 68.

Considering the rival submissions of the parties, this Court is of the view that in the interest of justice, the District Magistrate, Bhagalpur, respondent no.3 should dispose of the representation of the petitioner, as is contained in Annexure-2. Moreover, if the representation of the petitioner will not be found available then the petitioner will be at liberty to submit a fresh representation with all the relevant documents within a period of four weeks and it is expected from the District Magistrate, Bhagalpur to dispose of the representation of the petitioner within a period of six weeks thereafter.

With the above observation, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24/04/2017
Transmission Date	N/A

