

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8371 of 2015

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Jitendra Kumar, S/o Late Raj Ballabh Singh, Resident of Village Vishunpur,
Police Station Telhara, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate-cum-Collector, Nalanda.
3. Sub Divisional Magistrate, Hilsa, Nalanda.
4. Block Development Officer, Ekangarsarai, Nalanda.
5. Circle Officer, Ekangarsarai, Nalanda.
6. Superintendent of Police, Nalanda.
7. Sub Divisional Police Officer, Ekangarsarai, Nalanda.
8. Deputy Superintendent of police, Hilsa.
9. Officer-in-Charge, Nalanda.
10. Rajendra Singh
11. Bindeshwari Singh
12. Awadhesh Singh
13. Maheshwari Singh

All sons of late Ramashish Singh, Resident of Village-Vishunpur, P.S-Telhara,
District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Adv
For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-11-2017 Heard learned Counsel appearing on behalf of the
petitioner and learned AC to GA-4.

The present Writ application has been filed for a direction
to the respondent authorities to get the encroachment removed
from the private path/road appertaining to Plot No.96/98, Khata



No. 24, situated in Village- Vishunpur, P.S.-Telhara, District-Nalanda.

A counter affidavit has been filed on behalf of respondent nos. 1 to 9 stipulating therein that the land in question is the raiyati land of the petitioner. The Revenue Karmchari, vide report dated 11.05.2017, as contained in Annexure- C to the counter affidavit, recommended for getting the land measured. Consequently, the land was measured, and no such path/gali was found existing on the land in question. The measurement report has been brought on record as Annexure - D to the counter affidavit.

It is submitted by learned Counsel appearing on behalf of the petitioner that the measurement report does not contain the signature of the petitioner's side, nor the exact date of measurement has been mentioned.

Considering the fact that *prima facie* in view of the counter affidavit there is no encroachment on the public land, this Court is not inclined to interfere.

However, if the petitioner is aggrieved by the report of the Revenue Karmachari or the finding recorded in the measurement proceeding, he is at liberty to challenge the same before the appropriate authority under law.



The Writ application is, accordingly, disposed of with the
aforementioned observation.

(Dinesh Kumar Singh, J)

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