

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16781 of 2015

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Damodar Singh, Son of Late Bhuneshwar Singh, Resident of Village-Pateya,
P.O.- and P.S.-Madanpur, District – Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Aurangabad.
2. The Sub-Divisional Officer, Aurangabad.
3. The Block Development Officer, Madanpur, District-Aurangabad
4. The Circle Officer, Madanpur, District – Aurangabad.
5. Anchal Amin, Madanpur, District – Aurangabad.
6. Kunti Devi, wife of Krishna Bhuiya, Resident of Village-Madanpur Pathak
Bigha Road, P.O.+ P.S.- Madanpur, District – Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Adv.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-10-2017 Heard Mr. Kamendra Prasad Singh, learned Counsel

appearing on behalf of petitioner and learned AC to SC-18,

appearing on behalf of the respondent – State.

Since no counter affidavit has been filed, in the
present Writ application which was filed in 2015, this Court is
not inclined to adjourn the matter any further.

The nature of order this Court intends to pass does not
require issuance of notice to the private respondent no.6, Kunti
Devi.

The present Writ application has been filed for a
direction to respondent no.4, the Circle Officer, Madanpur, for



getting the measurement of the land done appertaining to Plot No. 351, Khata No. 95, situated in Village -Madanpur Pathak Bigha Road, P.O. + P.S.- Madanpur, District- Aurangabad.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner purchased 7.5 decimal of land from one Hari Nandan Prasad @ Nathun Lal and Rajendra Lal at Madanpur in Pathakbigha Road appertaining to Khata No. 95, Plot No.351, through registered Sale Deed dated 15.02.2011 and thereafter he started construction over the said land. Respondent No.6, Kunti Devi had also purchased 3 decimal of land from the said plot and she constructed a house, but now respondent no.6 has blocked the egress and ingress of the petitioner. The petitioner made a request to respondent no.4, the Circle Officer, Madanpur, for getting the measurement done but it was not measured and ultimately the petitioner sought information under the Right to Information Act, in response to which information was provided to him vide Letter no.709, dated 01.09.2015, under the signature of the respondent no.4, the Circle Officer, Madanpur, as contained in Annexure-2, to the effect that after opening of record, the land in question will be measured, but till date no measurement has been done. The total area of the plot in question is 10692 Sq. Kari out of which the



petitioner claims 7.5 decimal, i.e., 7500 Sq. Kari, while respondent no.6 claims 3 decimal, i.e., 3000 Sq. Kari. As 1 decimal being equal to 1080 Sq. Kari. Hence, the petitioner and respondent no.6 together claim 7500 Sq. Kari land against the total area of 10692 Sq. Kari of the land in question. The measurement of the area of the land of respondent no.6 has been made by Anchal Amin on 03.08.2015 and it was found that respondent no.6 has captured 3192 Sq. Kari of land against her entitlement of 3000 Sq. Kari, as gets reflected from the order dated 03.08.2015, passed by respondent no.4, the Circle Officer, Madanpur, in Measurement Case No. 14 of 2015-16, as contained in Annexure-3. Hence, the Writ application.

Learned Counsel for the petitioner further submits that, at present, he confines his prayer to the extent that the Writ application be disposed of with direction to the respondent no.4, Circle Officer, Madanpur, to dispose of the application of the petitioner dated 13.08.2015, pending before him for measurement of the land in question.

Accordingly, the Writ application is disposed of with a direction to respondent no.4, the Circle Officer, Madanpur, to dispose of the application of the petitioner, dated 13.08.2015, in view of the information provided to the petitioner through



Letter No. 709, dated, 01.09.2015, as contained in Annexure-2,
within a period of six weeks, of the receipt/production of a copy
of this order.

(Dinesh Kumar Singh, J)

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