

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18120 of 2016

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Dhirendra Mohan Mishra S/o late Praduman Prasad Mishra, Resident of village + P.O Umapur, P.S.- Bhagwanpur, District – Kaimur, Bhabhua. At present Address – Qr. No. 1073, Sector 12/C, Bokaro Still City, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Collector, Kaimur (Bhabhua).
3. The Additional Collector, Kaimur (Bhabhua).
4. The Sub-Divisional Officer, Kaimur, Bhabhua.
5. The Deputy Collector Land Reforms, Kaimur, Bhabhua.
6. The Circle Officer, Bhagwanpur, Kaimur, Bhabhua.

.... Respondent 1st Set.

7. The Bihar State Power Transmission Company Limited through its Managing Director, Vidyut Bhawan, Bailey Road, Patna
8. The Managing Director, Bihar State Power Transmission Company Limited, Vidyut Bhawan Bailey Road, Patna.
9. The Engineer-in-Chief, Bihar State Power Transmission Company Limited, Vidyut Bhawan Bailey Road, Patna
10. The Executive Engineer, Bihar State Power Transmission Company Limited, Kainur, Bhabhua.

..... Respondents 2nd Set.

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Sr. Advocate
Mr. Nutan Sahay
Mr. Subhash Kr. Tiwari, Advocates

For the State Respondents : Mr. Raj Kishore Roy- Gp18
Mrs Bandana Singh, AC to G.P. 18

For Respondent nos.7 to 10: Mr. Ritesh Kumar Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-03-2017 Heard learned senior counsel for the petitioner, Mr. Raj Kishore Roy, learned GP 18 for respondent nos. 1 to 6 and Mr. Ritesh Kumar, learned counsel for respondent nos. 7 to 10.

The present writ application has been filed for issuance of a direction upon the respondents to demarcate the Khatiani land of the petitioner appertaining to R.S. Khata No. 12



Plot No. 7 Chak Khata No.11 Chak Plot No. 7 Thana no. 907 measuring an area of 4.42 acres situated at Mauza Rajbandhwa, Anchal Bhagwanpur in the District of Kaimur at Bhabua and prayer has also been made for directing respondent nos. 7 to 10 not to disturb the possession of the petitioner by constructing power sub-station.

Learned senior counsel for the petitioner submits that at present he confines his prayer only to the extent of demarcating the land in question.

It is submitted by learned counsel for the petitioner that the land in question is the ancestral land of the petitioner and he has been making payment of rent to the State of Bihar. The rent receipt has been brought on record as Annexure 2. The petitioner came to know that power sub-station is going to be constructed, whereupon he filed a petition before respondent no. 6, i.e., the Circle Officer, Bhagwanpur, Kaimur at Bhabua to demarcate the aforesaid land of the petitioner. Consequently on 22.6.2015 the petitioner deposited the required measurement fee of Rupees one thousand. The receipt of aforesaid payment of measurement fee has been brought on record as Annexure 3. It is further submitted that despite having deposited the measurement fee, the land in question was not measured and thereafter, the



petitioner filed an application before the Collector-cum-Public Information Officer, Kaimur to direct the respondent no. 6, i.e., the Circle Officer, to get the land of the petitioner demarcated and also to provide information in this regard to him as to why the Circle Officer is not taking any step for measurement of the land in question.

The Circle Officer, Bhagwanpur vide letter no. XVI-1-16/561 dated 23.7.2016 contained in Annexure 5, informed the petitioner that his land would be measured/demarcated on 24.8.2016, hence he should remain present on the spot on the scheduled date and time. In pursuance to the letter as contained in Annexure 5, on 24.8.2016, the petitioner and his representatives remained present on the spot but the land of the petitioner was not measured. Hence, the petitioner again requested the Circle Officer, vide letters dated 30.8.2016 and 14.9.2016 (Annexure 6 series), to get the land measured as soon as possible. Thereafter, the petitioner has repeatedly been approaching the respondent authorities but the land in question has not been measured/demarcated till date.

It is lastly submitted that similarly situated adjacent raiyat of the petitioner, namely, Shanti Devi filed C.W.J.C. No. 17629 of 2015 with similar relief for a direction to get her land



measured/demarcated and the same has been disposed of by a co-ordinate Bench of this court with a direction to the Anchal Adhikari to get the land measured by the Amin in presence of the land owner and get the land demarcated. The entire exercise was directed to be completed within a period of four weeks. The petitioner accordingly prays for the similar relief.

Learned counsels for the respondent nos. 1 to 6 and respondent nos. 7 to 10 have no objection with regard to the direction being given for measurement/demarcation of the land in question.

In the circumstances, this court does not find any reason to justify the inaction with regard to the measurement/demarcation of the land in question by Respondent no. 6, the Circle Officer, Bhagwanpur, Kaimur at Bhabua, particularly when the measurement fees has already been realized from the petitioner on 24.7.2016 itself. Accordingly, it is expected from the respondent no. 6, i.e., the Circle Officer, Bhagwanpur, Kaimur, Bhabua to get the land in question measured and demarcated through the Anchal Amin in presence of the petitioner and other affected person within a period of six weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, this writ



application stands disposed of.

(Dinesh Kumar Singh, J)

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