

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11048 of 2017

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Dinesh Kumar, S/o Rameshwar Yadav, R/o Village- Bangalipar, Nanku Pokhar, P.S. & Distt- Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
The Collector, Shekhpura.
The Superintendent of Police, Shekhpura.
The Additional Collector, Shekhpura.
The Circle Officer, Shekhpura, District- Shekhpura.
The Station House Officer, Police Station- Shekhpura, District- Shekhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwari
For the Respondent/s : Mr. SUBHASH CHANDRA YADAV- GP15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-11-2017 Heard Mr. Arun Kumar Tiwari, learned counsel for the petitioner and Mrs. Sang Mitra Ghosh, learned AC to GP-15 for the respondent-State.

The present writ application has been filed for restraining the respondent authorities from demolishing the house of the petitioner situated on the land appertaining to Khata No. 183, Plot No. 3543, situated in Village Shekhpura, District Munger.

It is submitted by learned counsel for the petitioner that no notice has been issued to him, but he has been orally conveyed that his house will be demolished.

A Counter affidavit has been filed on behalf of respondent nos. 2, 4 and 5, the Collector, Sheikhpura, the Additional



Collector, Sheikhpura and the Circle Officer, Sheikhpura, respectively wherein a statement has been made in paragraph no.9 that they are not going to demolish the house of the petitioner situated on Khata No. 183, Plot No. 3543, rather notice has been issued to Gaya Yadav, the brother of the petitioner against the land appertaining to Khata No. 184, Plot No. 3543. Paragraph no.9 reads as follows:-

“9. That in reply to the averments made by the petitioner in para 8 to 11 of the writ application it is respectfully submitted that the petitioner has not clearly mentioned about the land over which the house of the petitioner is going to be demolished. It is made clear that those land which are raiyati land are not going to be touched. Only those houses illegally constructed over khata No. 184, Khesra No. 3543 which is gairmazarua Aam Pokhar are going to be demolished or have been demolished. The petitioner's house is situated at Khata No. 183 Khesra No. 3543 which has got no concern with the land appertaining to Khata No. 184, Khesra No. 3543. Seeing the notice issued to Gaya Yadav the petitioner was afraid of being his house demolished. It is important to mention here that the Circle Officer, Sheikhpura visited Mauza Kamasi, Thana No. 177, Khata No. 184, Khesra No. 3543 on 19.08.2017 and on enquiry from the present villagers on the spot it was found that no house of Dinesh Kumar, the petitioner of the present writ application has been constructed over the said land. It appears that only due to apprehension of being demolished his house the present writ application has been filed.”

in view of the aforesaid facts, the present writ application is absolutely misconceived.

Accordingly, the present writ application is dismissed.



It is made clear that this Court has not expressed any opinion with regard to right of the petitioner over the land in question.

(Dinesh Kumar Singh, J)

Amrendra/-

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