

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2247 of 2018

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Randhir Kumar, S/o Late Kameshwar Prasad Mahto, Resident of Village-
Asrafpur, P.O.- Bans Bigha, P.S.- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The Collector, Patna, District- Patna.
5. The L.R.D.C. Masaurhi, District- Patna.
6. The Sub-Divisional Masaurhi, District- Patna.
7. The Circle Officer, Dhanarua, District- Patna.
8. Smt. Kamod Devi, Wife of Vijay Chandra Rai, Resident of Village-
Asrafpur, P.O.- Bans Bigha, P.S.- Dhanarua, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-02-2018

Heard Mr. Dharendra Kumar, learned counsel

for the petitioner and Mr. Washi Ahmad Khan, learned AC to SC-
25.

The present Writ application has been filed a
direction to the respondent authorities not to demolish the
petitioner's ancestral house situated over the land appertaining to
Khata No. 277, Plot Nos. 2115 and 2126 since the petitioner and
his ancestor are residing on the land in question since last more
than 100 years.

It is submitted by learned counsel for the



petitioner that the whole issue has been cropped up at the instance of Kamod Devi, respondent no. 8, who has also constructed her house on the Gairmajarua land rather the entire village is situated on the Gairmajarua land but the petitioner has been singled out by the Circle officer, Dhanarua at the behest of respondent no. 8. Earlier the part of the house has been demolished, consequently Geeta Devi, one of the family members of the petitioner committed suicide. Vide notice dated 27.01.2018 the petitioner has been informed to participate in the measurement of the land appearing to Khata No. 277, Plot Nos. 2115 and 2126 on 02.02.2018, hence, the present writ application.

Though, the writ application has been filed as encroachment and demolition but no notice has been brought on record to suggest that any notice for demolition of the petitioner's house has been issued. Only one notice with regard to the measurement of the land brought on record as Annexure-P/4, but the same does not arise cause of action for the petitioner before this Court.

It is prayed by learned counsel for the petitioner that the petitioner is landless person and since last 100 years his ancestors and him are residing on the land in question, hence, the same may be settled in his favour.



For such a prayer the petitioner will be at liberty to approach before the appropriate forum in accordance with law.

Accordingly, this Writ application is disposed of with the aforesaid liberty to the petitioner.

(Dinesh Kumar Singh, J)

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