

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1920 of 2018

1. Binod Kumar, Son of Late Ram Pratap Karak,
2. Smt. Rani Surekha, Wife of Binod Kumar, Both Resident of Mohalla- NC- 110, SBI Officer Colony, P.O. & P.S.- Lohianagar (Kankarbagh), Patna- 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Land Revenue and Land Reform.
2. The District Magistrate, Vaishali (Hajipur).
3. The Sub- Divisional Officer, Mahua (Hajipur).
4. The Circle Officer, Rajapakar (Vaishali).
5. The District Education Officer, Vaishali (Hajipur).
6. The Head Master, Shivnandan Gaya High School, Bakarpur, Rajapakar (Vaishali).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nutan Sahay, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 19-06-2018

Heard Majid Mahboob Khan, learned counsel for the petitioner and Mr. Raj Kishore Roy, learned GP-18 for the respondent-State.

The present writ application has been filed basically for measurement and demarcation of the raiyati land of the petitioner, appertaining to Khata No. 159 and 173, Plot Nos. 1444, 1445, 1450, 1451, 1460, 1469 and 1454, on which the management of Shiv Nandan Gaya High School is erecting boundary wall. The prayer of the petitioner, as stipulated in paragraph no.1 of the writ application, reads as follows:-



“1(i) For issuance of writ in the nature of mandamus and order/orders, direction/directions to the respondent authorities to get the private land of the petitioners measured and demarcated and further for direction to remove the encroachment from the land of the petitioners, which has been illegally encroached by the Shiv Nandan Gaya High School, Bakerpur, Rajapakar.

(ii) For any other appropriate order/orders of this Hon’ble court may deem fit and proper.”

It is submitted by learned counsel for the petitioners that several representations were submitted before Respondent no.3, the Sub-Divisional Officer, Mahua, as contained in Annexure-2(series) for getting the land measured, but neither the measurement has been done, nor the demarcation has been made, though, vide order dated 31.10.2017, as contained in Annexure-3(series), Respondent No. 4, the Circle Officer, Rajapakar had fixed the date as 11.11.2017 at 11 AM for measurement and demarcation of the land of the petitioner, but till date same has not been done, however, the petitioner had already deposited the cost for the same.

It is submitted by learned counsel for the respondent-State that if the measurement and demarcation of the land has not been made, the same will be made within a time frame.



Having heard learned counsel for the parties, this Court is dismayed to find that for such petty nature of grievance, the citizens of India file the writ application due to apathetic attitude of respondent authorities, particularly Respondent No.4, the Circle Officer, Rajapakar.

In the circumstances, Respondent No.4, the Circle Officer, Rajapakar is expected to get the measurement and demarcation of the land in question done within a period of six weeks from the date of receipt/production of a copy of this order, after giving due notice to the petitioner, private Respondent No. 6 and other affected persons, in accordance with the provisions of law.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

