

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1306 of 2018

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1. Pramod Kumar Sinha S/o Late Shashi Bhushan Prasad Sinha resident of Mohalla - Takua Tand, Gopal Nagar, Rajauli, Ward No. 7, P.S. - Rajauli, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Sub-Divisional Magistrate, Rajauli, Nawada.
5. The Deputy Collector, Land Reforms, Rajauli, Nawada.
6. The Circle Officer, Rajauli, Nawada.
7. Vinod Kumar Singh
8. Subodh Kumar Singh Both are sons of Late Bachhu Singh resident of Village - Mahbatpur, P.S. - Sridala, District - Nawada, At present residing at Mohalla - Takua Tand, Gopal Nagar, Rajauli, Ward No. 7, P.S. - Rajauli, District - Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma, Advocate
For the Respondent/s : Mr. Md.Khurshid Alam -Aag12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-06-2018 Heard Mr. Sunil Kumar Verma, learned counsel for the petitioner and Mr. Mazid Mehboob Khan, learned A.C. to A.A.G-12 appearing on behalf of the respondents.

The petitioner, in this writ petition, seeks following reliefs;

- (i) To direct the Respondent State Authority/Authorities in general and the Circle Officer, Rajauli, Nawada (Respondent No. 6) in particular to furnish the



certified copy of the measurement Call for the report regarding the stage of trial in connection with Piro (Hasan Bazar) P.S. Case No. 199 of 2016 from the court of 6th Additional District and Sessions Judge, Bhojpur, Ara and list this case after receipt of the same. to the petitionr in terms of requisition filed dated 31.10.2017 submitted by the Revenue Karamchari of the Rajauli Anchal in connection with land Measurement Case No. 51/17-18 relating to Khata No. 236 Survey Plot No. 357 situated at Mauza- Takua Tand, Under Thana No. 141 in the district of Nawada in the background of dispute and uncertainty arising out of encroachment of the land property of the petitioner at the hands of Private Respondent No.7 & 8 in excess of 0.02 ¼ decimal of land which was transferred by way of registered sale deed dated 29.09.2001 executed by the mother of the petitioner in favour of the said private Respondents (Vinod Kumar Singh & Subodh Kumar Singh) to the extent of 03”x30” (feet) which is evident from the measurement carried out dated 11.10.2017.

(ii) further direct the Respondent State



Authority/Authorities to act upon the measurement Call for the report regarding the stage of trial in connection with Piro (Hasan Bazar) P.S. Case No. 199 of 2016 from the court of 6th Additional District and Sessions Judge, Bhojpur, Ara and list this case after receipt of the same. confirming encroachment of the residential land property of the petitioner to the extent of 03"x30" (feet) in excess of sale deed at the hands of Vinod Kumar Singh and Subodh Kumar Singh (Respondent Nos. 7 & 8) by the mother of the petitioner.

Learned counsel for the petitioner submits that during the pendency of this writ petition, Circle Officer, Rajauli, Nawada vide its letter No. 291 dated 31.03.2018 informed the petitioner to get certified copy of the measurement report submitted in Measurement Case No. 51 of 2017-18 and the petitioner has already received the measurement report. Learned counsel for the petitioner further submits that on the basis of measurement report, the Circle Officer may be directed to remove encroachment over the land in question.

Having considered the facts and submission, I find that petitioner has already received certified copy of the



measurement report but so far the prayer of the petitioner that the Circle Officer be directed to remove encroachment, I am of the view that for that, the petitioner may file petition under the Bihar Land Dispute Redressal Act before the appropriate authority.

With the aforesaid observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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