

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13290 of 2017

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1. Yogendra Kumar Singh, Son of Late Deoki Nandan Prasad Singh
 2. Dharendra Kumar Singh, Son of Late Deoki Nandan Prasad Singh
 3. Amrendra Kumar Singh, Son of Late Deoki Nandan Prasad Singh
All Resident of Village-Brahmsthan, P.S.-Bariarpur, District-Munger
 4. Kumari Dewhuti, Daughter of -Deoki Nandan Prasad Singh, Wife of -Dr, Amrendra Kumar Singh, Mohalla-K.K. Nursing Home, P.S.- Kotwali, District-Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar through the District Magistrate, Munger, District-Munger
2. The Divisional Commissioner, Munger Division, District-Munger
3. The District Magistrate, District-Munger null null
4. The Superintendent of Police, District-Munger
5. The Sub-Divisional Magistrate, District-Munger
6. The Officer Incharge, P.S.-Harinmar, District-Munger

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Mrigank Mauli, Adv. Mr. Sumeet Kumar Singh, Adv Mr Abhiprav Singh, Adv
For the Respondents	:	Mr. Md. Khurshid Alam, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 20-06-2018

The matter has been listed under the heading ‘To Be Mentioned’ since the subject matter has wrongly been labelled as ‘Land Encroachment & Demolition’.

Heard Mr. Mrigank Mauli, learned counsel for the petitioners and Md. Khurshid Alam, learned AC to AAG-12 for the respondent-State.

The present writ application has been filed for a direction to Respondent Nos. 3 and 4, the District Magistrate, and the Superintendent of Police, Munger, respectively, to provide



security to protect the property of the petitioner from illegal encroachment and unauthorized cultivation on the land, appertaining to Thana No. 386, Tauji No. 1351, Khata No. 521 and 518, situated in Mauza Binda Diara, Bahiyar, District Munger.

It is submitted by learned counsel for the petitioners that the land in question is recorded in the name of the father of the petitioners, namely, Babu Devki Nandan Prasad Singh and the petitioners got equal share of the land in question, but the petitioner are being obstructed from cultivating the land, at the hands of certain persons. Though, the Divisional Commissioner, Munger, vide order dated 30.10.2013, passed in LDR Appeal No. 165 of 2012, held that the land appertaining to Khata No. 519 is the 'Kaisar-e-Hind' land, and it has wrongly been recorded in the name of America Singh @ Amir Chandra Singh, hence it has been directed to record the said land in favour of State of Bihar. However, the said order is under challenge before the Bihar Land Tribunal, but the petitioners are not having any concern with the land, appertaining to Khata No. 519, as the they are concerned with the land, appertaining to Khata Nos. 521 and 518.

Though, the petitioner has submitted a representation before the Station House Officer, Harinmar, Bariyarpur Police Station and Superintendent of Police, Munger on 30.05.2017, as



contained in Annexure-9(series), but no action has been taken till date.

Learned AC to AAG 12 submits that at present has is not having any instruction, but if the representations of the petitioners have not been disposed of till date it will be disposed of within a time frame.

Having heard learned counsels for the parties, this Court is of the view that every citizen of India has a right to protection of his life and property and he/she cannot be deprived of the same. It is the duty of the District Administration to ensure and provide adequate security to the citizen of India. However, this is not in dispute that the representations of the petitioners is still pending.

In the circumstances, since the names of the persons, who are obstructing the petitioners in cultivating the land, have not been mentioned in the petition, this Court cannot give specific direction. However, the petitioners are at liberty to submit a fresh representation before Respondent No. 4, the Superintendent of Police, Munger within a period of three weeks from the date of receipt/production of a copy of this order, whereupon, the authorities will look into the matter and dispose of the representation of the petitioners within a period of six weeks from



its submission and take needful action for protecting *bona fide* land of the petitioner.

It is made clear that this Court has not expressed any opinion with regard to claim of title or possession of the petitioners over the land in question.

Accordingly, with these above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.07.2018
Transmission Date	

