

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18672 of 2016

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1. Makendra Kumar Son of Late Dallu Yadav, Resident of Village Mirganj, P.s.- Sakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. District Magistrate, Jehanabad.
3. Additional District Magistrate, Jehanabad.
4. District Land Acquisition officer, Jehanabad.
5. Deputy Collector, Land Reforms, Jehanabad.
6. Anchal Adhikari, Jehanabad.
7. Additional Superintendent of Police, Jehanabad.
8. Registrar, District & Sessions Court, Jehanabad.
9. District Bar Association, Jehanabad through its Secretary, District Bar Association, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamal Nayan Chaubey, Sr. Adv.
Mr. Jitendra Prasad Singh
For the Respondent/s : Mr. Rishi Raj Sinha, S.C.-19
Mr. Akhilesh Kumar Sinha, A.C. to SC19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 22-03-2018

Heard Mr. Kamal Nayan Chaubey, learned sr. Advocate
for the petitioner and learned counsel for the State.

The petitioner seeks directions from this Court to vacate
the raiyati land of the petitioner and hand over possession of the same
without further delay as the respondents have occupied the ancestral
land of the petitioner without adopting any procedure prescribed
under the Land Acquisition Act and to grant any other relief/reliefs for
which the petitioner is legally entitled.



The petitioner claims that the lands of Plot No. 964, 995, 997 and 1010 having total area of 2.39 acres of Khata No. 212 which are situated in Mauza Erki, Police Station and District Jehanabad. The aforesaid lands were recorded in the name of late Mahangu Gop, the great grant-father of the petitioner in the record of rights. Demand has also been made in the name of the father of the petitioner and subsequently the name of the petitioner and on the basis of title, rent receipts were issued but the government constructed civil court building without acquiring the land.

The State has filed a counter affidavit. The respondents have stated that after verification of revenue records it transpired that the revenue records were interpolated. The lands were recorded in the name of Bishu Yadav, S/o Kail Yadav in the record of rights in revisional survey, but somebody made interpolation and in place of Bishu Yadav, name of Dallu Yadav was entered without any application for correction in the record of rights. Earlier, vide demand paper, lands of Khata No. 163, Plot No. 175 Area 39 decimals was standing but after interpolation Khata No. 212, 213, Plot No. 997, 1017 and 1022 Area 2.46 decimals were entered. There is a provision for mutation of the name on the basis of transfer, gift or on the basis of record of rights but no procedure was followed. There is no record to show that the lands belong to the petitioner.



Mr. Kamal Nayan Choubey, learned sr. Advocate for the petitioner submits that from perusal of Annexure-1, it would appear that in the cadastral survey, the lands of Khata No. 212 Plot No. 964 Area 0.46 decimal, plot no. 995 area 1.19 acre were recorded in the name of late Mahangu Gop, S/o Bihari Gop and thereafter the names of the petitioner was recorded, but from perusal of Annexure-A of the counter affidavit filed by the respondents, it would appear that some interpolation was made in the record of rights in which name of Bishu Yadav was deleted and the name of Dallu Yadav, father of the petitioner, was inserted. Admittedly, civil court building was constructed in the year 1992. Had the petitioner been in possession over the land, the petitioner has raised objection, but on the face of it, it appears that the documents on which petitioner claims title and ownership of the lands are found to be interpolated and genuineness of the documents are doubted.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

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AFR/NAFR	
CAV DATE	N.A.
Uploading Date	04.04.2018
Transmission Date	

