

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10987 of 2018

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Suman Kumar Suman

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Respondent/s : Mr. Raj Kishore Roy- Gp18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 24-07-2018 Heard Mr. Vijay Kumar Sinha, learned counsel

appearing on behalf of the petitioner and learned G.P.18 appearing

on behalf of respondent Nos.1 to 7.

The petitioner filed this writ petition to restrain the respondents 1st set from encroaching upon the land of the petitioner bearing Khata No.4, Khesra No.54, area 1.33 acre situated in Mauja Hajisahpur P.S. Jagdishpur, District Bhagalpur after staying the order dated 31.03.2018 passed by the Circle Officer, Jagdishpur as contained in letter No.791 dated 16.04.2018 in Demarcation Case No.150 of 2017-18.

Learned counsel for the petitioner submits that the petitioner has purchased the land. Respondent No.8 to 24 claimed right of easement over the lands of the petitioner. The respondents have also purchased the land by the side of the land of the petitioner, therefore, they are not entitled to get the land of the



petitioner for their egress and ingress. Earlier Demarcation Case No.35 of 2015-16 was initiated and the land was measured. Again Demarcation No.150 of 2017-18 is initiated and the petitioner is restrained from going over the land till the demarcation is done by the Anchal Amin. It is further submitted that petitioner has already filed Title Suit No.365 of 2016 and till the disposal of the suit, the Circle Officer should not have ordered for demarcation of the land. I find no force in the submission of the learned counsel for the petitioner and the same is not acceptable. Petitioner himself filed petition before the Collector and on petition of the petitioner, the Additional Collector directed the Circle Officer to get disputed land measured. The Circle Officer after initiating Demarcation Case No.150 of 2017-18 directed the petitioner to appear so that the land be measured and thus, I do not find any jurisdictional error or illegality in the order passed by the Circle Officer. The petitioner has got liberty to appear before the Circle Officer and present his case and be also present at the time of demarcation.

Accordingly, with the aforesaid direction, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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