

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19995 of 2016

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Ram Nandan Singh @ Ram Balak Singh S/o late Jalo Singh, Resident of Village- Nardiganj, P.S. Nardiganj, District- Nawada. Permanent Resident of Village- Pachiya, P.S. Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Bihar Land Reform Department, Bihar.
2. The Principal Secretary, Bihar Land Reform Department, Bihar.
3. The District Magistrate, Nawada.
4. The Land Reforms Deputy Collector Nawada.
5. The Circle Officer, Nardiganj, Block- Nardiganj, Nawada.
6. The Circle Inspector, Nardiganj, Block- Nardiganj, Nawada.
7. The Station Head Officer, Nardiganj, Police Station- Nardiganj, Nawada.
8. The Head Master, Nardiganj Inter School Nardiganj, Nawada.
9. Md. Sarfraj Shamim S/o late Md. Shamiuddin, R/o Vill- Nardiganj, P.S.- Nardiganj, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Srivastava, Advocate
For the Respondent/s : Mr. Sajid Salim Khan-SC25

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 06-11-2018

Heard learned counsel for the petitioner and the State.

The Circle Officer, Nardiganj is present in person.

This writ application has been filed by the petitioner for direction to the respondents not to disturb the peaceful possession of petitioner over land having Old Khata No. 172, New Khata No. 87, Old Plot No. 232, New Plot No. 511 of an area of 3 decimals and Old Khata No. 51, New Khata No. 34, Old Plot No. 231, New Plot No. 510 of an area of 18.5 decimals in Mauza Pararia,



Pargana Samai, Block Nardiganj, District Nawada and further directing the respondents not to put any hurdle in construction work over the aforesaid land and also direct to remove the encroachment made by Inter School, Nardiganj over the said lands.

The petitioner's main concern is Annexure 7 and 11 which were issued by the Circle Officer, Nardiganj directing him to stop the construction over the land.

It is submitted on behalf of the petitioner that the petitioner had voluntarily given a *Rasta/Approach* to the school in question from his land and gate of the school is also standing in the petitioner's land. The petitioner does not have any objection. Now, the school wants the entire purchased land of the petitioner.

Be that as it may, we are not interfering into the dispute between the two parties with respect to right, title and possession in the matter. The question is as to under which provision the Circle Officer concerned was proceeding and passing the orders restraining a party not to make any construction over his purchased land.

Today an affidavit has been filed on behalf of the respondent No.5, the Circle Officer, Nardiganj and it has



categorically been stated in paragraph 9 that the concerned plots are *Raiyati* in nature. Therefore, there would be no occasion for the Circle Officer to intervene in the matter.

Accordingly, we hold Annexure 7 and 11 nullity but we are not passing any order which would affect right and title of any *Raiyat* or anybody else.

This disposes of this writ application.

The personal appearance of the Circle Officer, Nardiganj is dispensed with.

(Dr. Ravi Ranjan, ACJ)

(Madhuresh Prasad, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2018
Transmission Date	NA

