

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4952 of 2018

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Surendra Prasad, Son of Late Kameshwar Prasad @ Late Inder Mahto, Resident of
Village- Chhoti Aat, Police Station- Ben, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Works Department, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Deputy Collector, Land Reforms, Rajgir, District- Nalanda.
4. The Sub Divisional Officer, Rajgir, District- Nalanda.
5. The Circle Officer, Ben, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Prasad Singh @ Sanjay, Adv.
Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Kumar Alok, SC-7.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 12-10-2018

Heard Mr. Ram Vinay Prasad Singh, learned counsel
appearing for the petitioner and Mr. Kumar Alok, learned Standing
Counsel No.7 for the State.

The petitioner complains of certain constructions being
made on a piece of land which he claims to have been settled in
favour of his family by the Ex-Jamindar bearing Khata No.294,
Khesra No.3020, area about 41 decimals and another plot bearing
Khesra No.3019 having an area of about 53 decimals in Mauza
Chhotki Aat Khurd, Block- Ben in the district of Nalanda.

According to Mr. Singh, this land was settled by the



Ex-Jamindar in favour of forefather of the petitioner more than 75 years ago and the petitioner has been enjoying the possession thereof since the year of settlement. He submits in reference to a copy of the khatiyani at Annexure-1 that even where the possession of the petitioner is taken note of, yet constructions are going on.

Mr. Kumar Alok, learned Standing Counsel No.7 invites the attention of this Court to an order passed by the learned single Judge of this Court in CWJC No.18819 of 2013 to submit that this petitioner claiming mutation over the plots in question approached this Court through the writ petition and the writ petition was disposed of with a direction to the Circle Officer to pass an appropriate order. He submits that no relief was granted to the petitioner and it is wrongly interpreting the order of this Court that the Karmchari started to issue receipt in favour of the petitioner and it is simply relying upon the receipts that the constructions are being questioned without any order of creation of jamabandi in the name of the petitioner or a document confirming title of the petitioner over the piece of land in question.

On query made, learned counsel for the petitioner could not show any document which would confirm the title of the petitioner over the piece of land and in the circumstance we find no reasons to interfere with the process so undertaken by the



respondents.

In case, the order passed by the learned Single Judge on the writ petition of the petitioner has not been carried out, the remedy for the petitioner would lie otherwise but since there is nothing on record which would persuade us to hold the title and possession of the petitioner over the piece of land, we refrain from granting indulgence to the issue raised at this stage.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

(Nilu Agrawal, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
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