

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10294 of 2018

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Rajnandan Singh @ Rajnandan Prasad Singh Son of late Sitaram Singh
Resident of Mohalla Maldiar Tola, Ward No. 13, P.S. Mokama, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms & Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Patna.
4. The Executive Officer, Nagar Parishad, Mokama.
5. The Sub-Divisional Officer, Barh.
6. The Circle officer, Mokama.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent/s : Mr. Rajiv Roy-Gp1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 30-11-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this writ petition for the following reliefs:

(i) A certiorari setting aside the notice issued from the level of Executive Officer, Nagar Parishad, Mokama as contained in letter no. 378 dated 27.04.2018 to the petitioner along with some other persons directing thereby to remove any construction under the land vide Khata No. 5529 of Ward No. 13, declaring it to be Gairmazarua land upon which it is said that the petitioners are on illegal encroachment which is very much illegal, unjust, arbitrary and harassing on the part of authority concerned.

(ii) A mandamus commanding and directing the respondents concerned not to disturbed the right title and peaceful possession of the petitioner



upon the land in question for above the 100 years (Century) and allow the petitioner live peacefully as he is paying the rent and taxes in accordance with law.

(iii) And/or any other relief/reliefs, writ/writs, order/orders, direction/directions, for which the petitioner is found to be entitled in the facts and circumstances of the case.

The learned counsel for the petitioner submits that the house of the petitioner is situated in Ward No.13 on the ancestral land of the petitioner. The authority has issued Land Possession Certificate and the rent receipts are being issued but the Executive Officer, Nagar Parishad, Mokama vide his letter as contained in Annexure-4 directed the petitioner not to construct the house. The petitioner submitted the entire papers showing the title of the petitioner over the land along with the application on 19.07.2018 but no order has been passed by the Executive Officer.

Having considered the submissions, it appears that the Executive Officer issued notice to the petitioner not to make any construction over the land till the measurement is done by the competent authority but there appears that no order has been passed till date. In this view of the fact, I dispose of this writ petition with a direction to dispose of the representation of the petitioner filed on 19.07.2018 within three months from the date of receipt of this order.



With the aforesaid observation, the writ petition
stands disposed of.

(Prabhat Kumar Jha, J)

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