

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4767 of 2017

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Ramswaroop Singh, Son of Late Govind Singh, Residing at Assi Tola
Sindhiya (Gazi Chak), P.O.- Batsar, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Development Department, Government Bihar, Patna.
 2. The Principal Secretary Rural Development Department, Government Bihar, Patna.
 3. The Commissioner Bhagalpur, Division Bhagalpur.
 4. The District Magistrate-cum-Collector, Banka.
 5. The Superintendent of Police, Banka District- Banka.
 6. The Circle Officer, Dhoraiya District- Banka.
 7. Shiv Narayan Singh, Son of Late Bindeshwary Singh.
 8. Aditya Lal Singh, Son of Late Piyare Lal Singh,
- Respondent No. 5 &6 are R/o Vill.- Assi Tola, Sindhiya (Gazi Chak), P.O.-
Batsar, P.S.- Doraiya, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Adv.
For the Respondent/s : Mr. Sanjay Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioner and the
respondent – State.

The present writ application has been filed for a
direction to the respondent authorities to provide adequate
security to the petitioner for construction of boundary wall over
his land.

It is submitted by learned counsel for the petitioner
that the land appertaining to Khata No.48, Plot No.561, area 23
decimal, situated in Mauza-Assi Tola, District-Banka is
recorded in the name of the petitioner and his brother, but some
anti-social elements are not allowing the petitioner to construct



boundary wall over his land. As a result of which, the petitioner submitted an application before the Respondent No.3, the Commissioner Bhagalpur, Division Bhagalpur and Deputy Inspector General of Police, Bhagalpur, on 18.01.2016 and 19.01.2016, as contained in Annexures- 1 and 2. In pursuance to the said application, the Commissioner, Bhagalpur Division, Bhagalpur, issued a direction to the Superintendent of Police, Banka vide Letter No. 33, dated 03.02.2016 to conduct an enquiry and submit a report to the Commissioner, Bhagalpur Division, as contained in Annexure-3. Thereafter, vide Memo No. 171, dated 10.05.2016, the Superintendent of Police, Banka was again directed to do the needful, as contained in Annexure-4. The petitioner also filed an application before the Officer-In-Charge, Dhoraiya, Banka, on 12.07.2016 and before the Circle Officer, Dhoraiya, Banka on 20.01.2017, as contained in Annexure- 5 and 6 series, but no action has been taken till date.

It is submitted by learned A.C. to A.A.G.- 4 that, at present, he is not having any instruction whether the application submitted by the petitioner has been disposed of or not, but, he adds to say that if the petitioner submits a fresh application before the Respondent No.4. the District Magistrate, Banka as well as the Superintendent of Police,



Banka, then they will take a needful action on the application of the petitioner within a reasonable time frame.

Considering the present stand taken by learned counsel for the State, the petitioner is permitted to submit a fresh representation before the Respondent No.4, the District Magistrate-cum-Collector, Banka and Respondent No.5, the Superintendent of Police, Banka, within a period of three weeks from the date of receipt/production of a copy of this order, who are expected to dispose of the representation of the petitioner within a period of four weeks, on filing of such representation.

The writ application is, accordingly, disposed of with the observation aforementioned.

However, it is made clear that this Court has not expressed any opinion with regard to the title and possession of the petitioner over the land in question.

(Dinesh Kumar Singh, J)

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