

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7058 of 2018

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S. M. Ehtesham, Son of Late S.M. Musa, at present residing at Jai Hind Gali, P.O.- Gulzarbagh, P.S. Alamganj, District- Patna, permanent resident of Ancestral House at Bailey Road, Khajpura, Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretaqry, Government of Bihar, Patna.
2. The Principal Secretary, Revenue Department, Government of Bihar, Patna.
3. The Principal Secretary, Cabinet Co-ordination, Government of Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The Collector, Patna.
6. The Additional Collector, Patna.
7. The Deputy Collector, Land Reforms (DCLR), Patna.
8. The Director, Sanjay Gandhi Botanical Garden, Bailey Road, Patna.
9. The Secretary, Patna Golf Club, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG-4.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 09-08-2019

None appears on behalf of the petitioner. Mr. Deepak Sahay Jamuar, learned Assisting Counsel to Additional Advocate General No.4 for the State is present.

The writ petition is filed to seek a direction to the district authorities to act in accordance with the direction present in the letter bearing No.3894 dated 29.04.2013 of the Joint Secretary, Home (Special) Department, Government of Bihar, Patna, whereby orders



were issued to remove the land of the Kabristan from Patna Golf Club.

A counter affidavit is filed on behalf of the State today and Mr. Deepak Sahay Jamuar, learned Assisting Counsel to Additional Advocate General No.4 informs that although in the Khatiyana a portion of land bearing Khata No.39, Plot No. 637, area 37 decimals and land bearing Khata No.173, Plot No.1004, area 5 decimals is registered as *Gairmazarua Aam* land with its nature as Kabristan but the fact is that neither any *Jamabandi* is running in such name nor there is any existence of Kabristan on the land in question on which the Golf Club is existing.

It is further informed that the area in question was acquired by the Public Works Department in 1911-12 and was settled with the Patna Golf Club. Mr. Jamuar in reference to a letter dated 09.12.2017 of Circle Officer, Patna Sadar enclosed at Annexure 'C' submits that the Patna Golf Club is running on the land since 1916 itself.

In such view of the matter we are not persuaded to grant indulgence to the issue raised.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

(Partha Sarthy, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.08.2019
Transmission Date	NA

