

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2449 of 2019

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Shyam Nandan Prasad Son of Late Govind Prasad, Resident of Village-
Nowagarhi Devi Asthaan, Post Office- Chand Chwra, Police Station-
Vishnupad, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Special Executive Officer, Sadar, Gaya.
5. The Sub Divisional Officer, Sadar, Gaya.
6. The Sub Divisional Police Officer, City, Gaya.
7. The Circle Officer, City, Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Md. Masaluddin Asharaf Ansari Mr. Ajay Kumar Sinha
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (Aag7)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-02-2019 This writ application has been filed seeking direction to the respondents to implement the orders dated 23.08.2018 and 07.09.2018 issued by the Sub Divisional Officer, Gaya, whereby he has directed the respondents No. 6 and 7 to ensure presence of adequate police force for construction of boundary wall over the petitioner's land.

It is the plea of the petitioner that despite the orders issued by the Sub Divisional Officer, the local police have not taken any steps to ensure that the boundary wall is raised. It is being argued that neighbours of the petitioners are creating disturbance in construction of the boundary wall on the plea that



the land, over which the petitioner intends to raise his boundary wall, is a public land.

On seeing the pleadings on record, I notice that there is no definite finding by any authority or a Court that the land, over which the petitioner intends to construct his boundary wall, is his own land and not a public land. In any view of the matter, for the purpose of resolution of boundary disputes, the petitioner has remedy under Section 4 of the Bihar Land Disputes Act, 2009.

Learned counsel appearing on behalf of the petitioner has submitted that as directed by the Sub Divisional Officer, the petitioner has deposited certain amount as condition precedent for providing police force to facilitate construction of the boundary wall.

Be that as it may, the petitioner has remedy under Section 4 of the Bihar Land Disputes Resolution Act, 2009, which the petitioner may avail. In my view, unless there is definite decision that the land in question belongs to the petitioner and is not a public land, the police force cannot be allowed to be deployed for the purpose of raising a boundary wall. It is a different matter that if there is no such dispute, no one can raise such dispute for the sake of dispute only. It will be



open to the Sub Divisional Officer of the area to get the land measured and reach a definite conclusion in this regard, if the petitioner approaches him also.

This application stands disposed of with the above liberty and observation.

(Chakradhari Sharan Singh, J)

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