

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22520 of 2014

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Kusum Devi, wife of Govind Sharma, resident of village Noawan, P.S. Sakurabad, in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Jehanabad.
4. The Sub-Devisional Magistrate, Jehanabad.
5. The Land Reforms Deputy Collector, Jehanabad.
6. The Circle Officer, Ratni Faridpur in the district of Jehanabad.
7. Shiv Narayan Sharma.
8. Trivikram Sharma @ Vikram Sharma.
9. Baban Sharma.

All are sons of late Shaligram Sharma, resident of Village- Noawan, Police Station- Sakurabad in the district of Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.
For the Respondent/s : Mr. Nawal Kishor Singh, A.C. to G.P.-26

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 27-05-2019

This writ application has been filed by the petitioner for quashing the order dated 12.8.2014 passed by the Land Reforms Deputy Collector, Jehanabad (hereinafter referred to as 'L.R.D.C.') in Land Dispute Case No. 83 of 2014 by which the application filed by the petitioner for demarcation of Plot No. 6324, Khata No. 1284 measuring an area of 11 decimal situated at Mouza Noawan has been rejected in mechanical manner.



Heard Mr. Sunil Kumar learned counsel for the petitioner and Mr. Nawal Kishore Singh, A.C. to G.P.-26 appearing on behalf of the State.

Counsel for the petitioner submits that petitioner has filed petition for demarcation of the aforesaid land before the learned L.R.D.C. vide Demarcation Case No. 10 of 2009. He further submits that report was called for from the Advocate Commissioner by Demarcation Magistrate which has been received. The Advocate Commissioner after measurement of the land in question, submitted report on 21.9.2013 before the L.R.D.C., Jehanabad, in which the Advocate Commissioner stated that encroachment has been found in the land in question i.e. Plot No. 6324 which was made by the Opposite Parties i.e. the Responent Nos. 7 to 9. The report of Advocate Commissioner has been enclosed as Annexure-6 to the writ petition.

Counsel for the petitioner submits that learned L.R.D.C. instead of looking into the report of the Advocate Commissioner, on misconceived ground on the basis of some documents produced on behalf of the petitioner with regard to exchange of part of Plot No. 6324 with Plot No. 4269 has passed the order which is not in accordance with law. He further submits that Plot No. 4269 was *Gair Mazrua Aam* land.

This Court after perusing the impugned order passed by the L.R.D.C. finds that he has not taken into consideration the report of Advocate Commissioner while passing the impugned order. During



hearing of the matter counsel for the petitioner has submitted before L.R.D.C. that Plot No. 4269 is *Gair Mazrua Aam land*.

It is mentioned in the impugned order that Opposite Party had constructed Septic Tank over Plot No. 4269 which has not been denied by the petitioner and, thereafter, the learned L.R.D.C. vide order dated 12.8.2014 has dismissed the Land Dispute Case No. 83 of 2014.

This Court finds that order dated 12.8.2014 as contained in Annexure-1 passed by the L.R.D.C. is not in accordance with law and the same is hereby quashed.

The L.R.D.C. is directed to pass fresh order in accordance with law within a period of two months from the date of receipt/production of copy of this order after giving proper opportunity of hearing to petitioner and getting fresh measurement of the land done in presence of both the parties.

This writ petition is accordingly allowed with aforesaid direction.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28/05/2019
Transmission Date	N.A.

