

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9137 of 2019

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Shyam Kishore Sharma @ Shyam Sunder Prasad Singh S/o Late Sheo Dayal
Sharma @ Shivdayal Singh Resident of Village-Abu Lodipur,Janipur,P.O.
Sorampur,P.S. Janipur,Phulwari Sharif Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Patna
4. The Deputy Development Commissioner, Patna
5. The Sub Divisional Officer, Patna
6. The Circle Officer, Phulwari Sharif, Patna
7. The A.D.G.P. cum M.D., Police Bhawan Construction Corporation, Patna
8. The Senior Superintendent of Police, Patna
9. The Officer-in-Charge, Janipur, Phulwari Sharif, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani
		Mr. Maruth Nath Roy
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG-12)
		Mr. Fakhruddin Ali Ahmad, AC to AAG 12
For Respondent no.7		Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-05-2019

Heard learned counsel for the parties.

The petitioner has a grievance that despite observations made by this Court in the orders dated 08.04.2013, passed in CWJC No. 10488 of 2012 and 18.07.2017, passed in MJC No. 3198 of 2016, his *raiya* land is being utilized for construction of building of a police station at Janipur, Phulwarisharif, Patna.



I have perused the aforesaid two orders of this Court.

It has been recorded in the said orders that it is very difficult to arrive at a finding about the construction of the building made over the petitioner's land. It cannot be disputed that no construction of a public building can be made over a private land. But the question is whether the land, which the petitioner is claiming to be his *raiyati* land, can be held to be so by this Court in a proceeding under Article 226 of the Constitution of India. The answer is certainly in negative.

Learned counsel for the petitioner has submitted that the authorities, before start of the construction of the said building, ought to have got the land measured.

In my view, if the petitioner has any grievance that his land is being used for construction of building of the police station, he could have approached the Public Grievance Redressal Officer, under the Bihar Right to Public Grievance Redressal Act, 2015 (for short 'the Act').

This writ application is disposed of with an observation that the petitioner shall be at liberty to approach the authorities under the aforesaid Act for redressal of his grievance.

Before I part with this order, I must observe that the disputed question of title can be adjudicated upon only by a civil



court of competent jurisdiction.

(Chakradhari Sharan Singh, J)

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