

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9282 of 2015

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Satish Chandra Prasad son of Late Guru Prasad Singh @ Guru Prasad Mahto
Resdient of village Aungari, P.S. Aungari, District Nalanda, A/P Sankat
Mochan Nagar, Brahmasthan, New Police Line Arrah Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director, Social Welfare, Government of Bihar, Patna.
3. Deputy Director, Welfare, Patna Division, Patna.
4. Collector, Nalanda.
5. District Programme Officer, Nalanda.
6. S.D.O. Hilsa, Nalanda.
7. Block Development Officer, Ekangar Sarai, Nalanda.
8. Anchal Adhikari, Ekangar Sarai, Nalanda.
9. Child Development Project Officer, Ekangar Sarai, Nalanda.
10. Panchayat Sachiv, Gram Panchayat Raj Aungari, P.S. Ekangar Sarai, Dsit.
Nalanda.
11. Mukhia, Gram Panchayat Raj Aungari, P.S. Ekangar Sarai, Dist.- Nalanda.
12. Pankaj Kumar S/o Krishna Prasad, R/o Village Aungari, Anchal and P.S.
Ekangar Sarai, Dist- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Kumar No.2
Mr.Rewti Kant Raman

For the State : Mr. Anisul Haque AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 31-01-2019 Heard learned counsel for the parties.

The petitioner is seeking an order in a proceeding under Article 226 of the Constitution of India, restraining the respondent-authorities from constructing an *Aanganwari* centre on Plot No. 1322, appertaining to Khata No. 436 of village Aungari, in the district of Nalanda.

It is the petitioner's case that he is the owner of the



said land and his objection against the construction of *Aanganwari* Centre on the said plot is still pending disposal. It is his claim that subsequent to vesting of the *Zamindari*, a consolidation proceeding was started, but the consolidation authority got misled by the entry in C.S. *Khatiyani* which was recorded in the name of the State of Bihar as *Gairmajarua Aam* land. It is also his case that the petitioner's father after having learnt about the wrong entry in a *khanapuri parcha*, had filed an objection with a request that the disputed land be recorded in his name. It is his further case that on the objection raised by the petitioner's father, the concerned authority had held a local inspection, and after finding the house and homestead land of the father of the petitioner over the disputed land, passed an order in his favour, for recording his name against the same.

In order to support the aforesaid submission, the petitioner has relied on Annexure-1 of the writ application. Annexure-1, which is a photocopy of the photocopy of the certified copy of the same order and has been brought on record is completely illegible. Nearly 90% of the page is either blank or blurred. There is a typed copy of Annexure-1 also. The Court finds it difficult to comprehend as to how the typist could type the contents of Annexure-1. There is a certificate



given by the learned Advocate that the typed copy of Annexure-1 is the true typed copy of its original.

In course of argument, learned counsel for the petitioner has accepted that even the certified copy of Annexure-1 was not made available to him by the petitioner, rather the typed copy has been prepared on the basis of the photocopy of the certified copy of the order. Even this much cannot be deciphered from Annexure-1 as to which authority passed what order. Even the typed copy of Annexure-1 does not substantiate the case, which the petitioner intends to establish in the present proceeding.

A counter affidavit has been filed on behalf of the respondent-State of Bihar, asserting therein that the plot in question is recorded as *Gairmajarua Aam Sarva Sadharan* in survey *khatian*. The land was recorded in the name of the State of Bihar in the consolidation *khatian*.

It transpires from the pleadings on record that the entire case of the petitioner is based on Annexure-1 of the writ application, even the typed copy of which does not support the petitioner's case.

This writ application, in my view, is frivolous and deserves to be dismissed. It is dismissed accordingly.



The dismissal of the writ application will, however, not come in the way of the petitioner in approaching either the civil court of competent jurisdiction or appropriate forum in accordance with law, seeking declaration of his title.

(Chakradhari Sharan Singh, J)

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