

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7783 of 2013

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Kishore Kumar Mishra Son Of Late Girinder Mishra Resident Of Village -
Malaypur, P.S. Malaypur, District - Jamui Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Human Resources Development Department, Bihar,
Patna
3. Director, Primary Education, Bihar, Patna
4. District Magistrate Cum Collector, Begusarai
5. District Education Officer, Begusarai
6. District Programme Officer, Begusarai
7. Block Development Extension Officer, Teghra, District - Begusarai
8. The Headmaster, Primary Sanskrit Upgraded Middle School At Hariharpur,
Block Teghra, District - Beg

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kumar Singh, Advocate
For the Respondent/s : Mr.Rakesh Ranjan, AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 22-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

The grievance of the petitioner in the instant case is
that the respondents have utilized the private land of the
petitioner for construction of school building.

Learned counsel for the petitioner submits that
without acquisition of the land the respondents are not justified
in making any construction over the land of the petitioner. He
submits that the land in question is not a public land rather it is
private land of the petitioner and the authorities are under



obligation to acquire the land and pay compensation under the existing law.

Considering the aforesaid, the writ petition is disposed of with the direction to the District Magistrate, Begusarai to provide opportunity of hearing to the petitioner if the petitioner files an application along with a copy of this order and enclosing other relevant documents showing ownership of the land in question. The District Magistrate shall be under obligation to cause an enquiry and after hearing the petitioner and determining whether the land is of the petitioner or public land. In the event the District Magistrate after enquiry comes to the conclusion that the land is raiyati land of the petitioner he shall either ensure payment of compensation to the petitioner or shall take appropriate steps for removal of encroachment unauthorisedly made over the land of the petitioner.

The entire exercise in this regard must be completed by the District Magistrate within a period of one month from the date of filing of the application by the petitioner along with a copy of this order.

(Anil Kumar Upadhyay, J)

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