

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8237 of 2013

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Sarvesh Singh @ Sarvesh Chandra Singh S/O Late Jagarnath Singh R/O
Village- Chourahi, P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Aurangabad
3. Sub Divisional Magistrate, Daudnagar, Aurangabad
4. Block Development Officer, Haspura Block, Aurangabad
5. Circle Officer, Haspura Block, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj
For the Respondent/s : Ms. Geeta Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 17-06-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by the arbitrary action on the
part of the respondents in making construction over the land of
Khata No.79, Plot No. 549 and 540.

Learned counsel for the petitioner submits that the
land belongs to the petitioner and without acquisition the
respondents are not justified in making construction over the
land belonging to the petitioner.

Learned counsel for the petitioner submits that
relevant time the dispute was taken to the District Magistrate,
Aurangabad and on consideration of contention of the party



directed measurement of the land and demarcation thereof and thereafter Annexure-11 was issued to indicate that the land belongs to the petitioner over which construction is proposed.

Learned counsel for the respondents submits that land does not belongs to the petitioner.

With reference to supplementary affidavit learned senior counsel for the petitioner submits that while Annexure-14 in the proceeding initiated at the instance of District Magistrate, Aurangabad after thorough enquiry it was held out by the Anchal Adhikari, Haspura Block, Aurangabad that the land belongs to the petitioner.

Learned counsel on behalf of respondents submits that by way of manipulation in the revenue records enteries were made in favour of the petitioner and as such submission was made for seeking permission for taking step for cancellation of Jamabandi standing in the name of the petitioner.

Considering the aforesaid, the writ petition is disposed of with a direction to the District Magistrate, Aurangabad to direct fresh demarcation of land in the light of Annexure-14 and if it is found that the land on which the construction is proposed belongs to the petitioner, the District Magistrate, Aurangabad shall take steps for acquisition of land after payment of



compensation to the petitioner in accordance with existing law
if the land does not belong to the petitioner the respondents shall
take appropriate steps for construction.

Necessary decision after fresh demarcation in the light
of Annexure-14 be taken by the respondents within a period of
four months from the date of receipt/production of copy of this
order.

With the aforesaid, the present writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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