

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17232 of 2019

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Sikandar Singh S/o Late Lakhan Singh, resident of village- Jian Khurd, P.O.-
Aima Bishunpur, P.S.- Karja, Anchal- Marwan, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Muzaffarpur
2. The District Magistrate-cum-Collector Distt.- Muzaffarpur
3. The D.C.L.R. West Muzaffarpur, Distt.- Muzaffarpur
4. The Sub Divisional Officer West Muzaffarpur, Distt.- Muzaffarpur
5. The Circle Officer Marwan, Distt.- Muzaffarpur
6. The Circle Officer Kanti, Distt.- Muzaffarpur
7. Nabi Hasan S/o Late Ahmed Kudus @ Late Md. Khudus Vill.- Jiankhurd,
P.S.- Karja, Distt.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (SC25)
		Ms. Prakritita, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 26-08-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, the petitioner is seeking a relief
against the respondent no.7 making a complaint that the land
pertaining to Old Khata No.268, Old Khesra No.451/3325, Area
13 decimal, New Khata No.107, Khesra No.466 which is meant
for public road has been encroached by the respondent no.7.



During the argument, counsel for the petitioner submits that this land was recorded as '*Gairmazarua Sarak*' in the old cadestral survey, but in the revisional survey, it has been recorded in favour of the respondent no.7.

So long the entry made in favour of the respondent no.7 is standing, it is very difficult for this Court to give any direction for taking any action against the respondent no.7 treating him an illegal occupant of the land and to start encroachment proceeding.

If the petitioner so sanguine, he can take step for proper legal remedy for correction of the Jamabandi, which is standing in the name of the respondent no.7. If any application is filed by the petitioner before the competent authority, then the Authority will dispose of the same expeditiously.

With this observations and directions, this application stands disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.08.2019
Transmission Date	N.A.

