

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25206 of 2019

1. Ramjit Ray, aged about 63 years, Gender: Male, S/o Bimal Ray, resident of Village: Pokhrera (Bagahi), P.S.: Taraiya, District- Saran at Chhapra.
2. Ramesh Ray @ Rameshwar Ray, aged about 41 years, Gender: Male, S/o Ramchandra Ray, resident of Village: Pokhrera (Bagahi), P.S.: Taraiya, District- Saran at Chhapra.
3. Jay Prakash Ray, aged about 55 years, Gender: Male, S/o Raghunath Ray, resident of Village: Pokhrera (Bagahi), P.S.: Taraiya, District- Saran at Chhapra.
4. Abhinandan Yadav, aged about 32 years, Gender: Male, S/o Indrajit Ray, resident of Village: Pokhrera (Bagahi), P.S.: Taraiya, District- Saran at Chhapra.
5. Rambalak Ray, aged about 74 years, Gender: Male, S/o Sant Ray, resident of Village- Pokhrera (Bagahi), P.S.: Taraiya, District- Saran at Chhapra.
6. Chhotelal Ray @ Chhotai Ray, aged about 50 years, Gender: Male, S/o Sivaparasi Ray, resident of Village: Pokhrera (Bagahi), P.S.: Taraiya, District- Saran at Chhapra.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Saran at Chhapra.
3. The Sub Divisional Officer, Marahaurah, District.- Saran at Chhapra.
4. The Executive Officer, S.D. Office, Marahaurah, District- Saran at Chhapra.
5. The Deputy Collector Land Reformed, Marahaurah, District- Saran at Chhapra.
6. The Circle Officer, Taraiya, District.- Saran at Chhapra.

... .. Respondents

Appearance :

For the Petitioners	:	Dr. Kumar Binode Bariar, Advocate
For the State	:	Mr. Ravesh Kumar Shrivastav, AC to GP 15

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the petitioners and learned AC
to GP 15 for the State.



2. The petitioners have moved the Court for the following relief:

“That this application is being filed for issuance of writ in the nature of certiorari for quashing (a) the notice vide memo no. 689 dated 20.09.19 by which the petitioners have been asked to be present on 27.09.19 for measurement with regard to Mauza-Bagahi, Thana No. 145, Khata No. 82, Khesara No. 943, measuring 9 Katha & 8 Dhur land. (b) For quashing notice vide letter no. 706 dated 25.09.19 served upon each of the petitioners by which they have been asked to appear before the office of the Circle Officer, Taraiya, Saran on 30.09.19 to produce document regarding their claim over the land appertaining to Khata no. 143, Survey no. 649, measuring 2 bigha, 9katha, 10 dhur.”

3. From the pleadings and materials on record, it is clear that challenge is to the notice asking the petitioners to be present for measurement of their lands.

4. The Court does not find any infirmity in the same. The person who is on the land, is obliged to show to the authorities the basis for such occupation and, thus, a notice for measurement and for showing the basis of his possession in law, is in accordance with law.



5. Learned counsel for the petitioners submitted that they have been living on the land since it has also been settled with them.

6. Learned counsel for the State submitted that if the petitioners dispute the claim of the authorities, then only remedy available is to move the Civil Court of competent jurisdiction to decide their right, title, interest and possession over the land.

7. Faced with the situation, learned counsel for the petitioners submitted that the application be disposed off with liberty to move before the Civil Court in the matter.

8. Having regard to the aforesaid, the application stands disposed off with liberty aforesaid. If the petitioners move before and ask for interim protection from the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

Vikash/Rahul

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