

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10608 of 2013

=====

Shrimati Reeta Devi W/O Anandjee Seth R/O Mohalla Civil Line, Buxar, P.S.
Buxar Town, District Buxar.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sub Divisional Officer, Buxar, P.S. Buxar T, District Buxar.
3. Circle Officer, Buxar Circle, P.S. Buxar T, District Buxar.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr.Bachan Jee Ojha
For the Respondents	:	Mrs. Binita Singh, SC-28
		Mr. Vivek Anand Amritheth, AC to SC-28

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

11 28-01-2020 This writ application has been filed seeking direction to the respondents not to demolish the boundary of the petitioner situate in Mauza Buxar Kila, bearing Khata No.260, Khesra No.3504 admeasuring 10 dhurs.

Mr. Bachchan Jee Ojha, learned counsel appearing on behalf of the petitioner, has submitted that the land was duly purchased by the petitioner and the respondents are arbitrarily treating the said land to have been acquired under land acquisition proceeding.

Learned State counsel, on the other hand, has drawn my attention to an order of this Court dated 22.11.2019, which reads thus : -

“The learned counsel for the



respondents by referring to the counter affidavit has submitted that the land of the petitioner situated at Plot No. 1226, Ward No. 2, Thana No. 685, Khata No. 260, Khesra No. 3504 admeasuring area 10 dhurs, Mauza-Kila, Buxar has not been encroached by the respondent State. It is further submitted that the land of the petitioner is required to be demarcated.

Having regard to the aforesaid submission made by the learned counsel for the respondent-State, the respondents are directed to demarcate the boundary of the raiyati land in question, of the petitioner herein, which is stated to have neither been encroached nor acquired and a report is directed to be submitted before this Court within a period of four weeks from today.

List after four weeks under the heading ‘For Orders’.”

She has submitted that as per the petitioner’s own case, her land, in question, which is part of Plot No. 1226 of Ward No. 2, Thana No. 685, Khata No. 260, Khesra No. 3504, has not been acquired. She has submitted that in course of identification of the land, the petitioner is claiming her title over a piece of land, which is a land acquired by the State Government of Bihar. She has submitted that on the one hand the petitioner is claiming her title in respect of a piece of land located in Plot No. 1226, the boundary of the said land given in the sale deed is entirely different.



In reply to the submission advanced on behalf of the State of Bihar, Mr. Ojha, learned counsel for the petitioner, has submitted that the State of Bihar has been taking different stands in different counter affidavits filed in this case and, therefore, submissions so advanced on behalf of the State of Bihar should not be accepted.

Be that as it may, the dispute involves a question as to whether the petitioner has title over the piece of land or not, which dispute cannot be resolved in a proceeding under Article 226 of the Constitution of India.

This writ application is accordingly disposed of with a liberty to the petitioner to approach a competent Court of civil jurisdiction for adjudication.

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

