

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25204 of 2019

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Ajay Kumar Singh, son of Kamleshwari Prasad Singh, resident of Rajguru,
Near UCO bank, P.O.- Tarapur, P.S.- Tarapur, District- Munger.

... .. Petitioner

Versus

1. The Department of Revenue and Land Reforms through the Principal Secretary, Bihar at Patna.
2. The Principal Secretary, the Department of Revenue and Land Reforms, Bihar at Patna.
3. The District Magistrate-cum-Collector, Banka.
4. The District Magistrate-cum-Collector, Bhagalpur, District- Bhagalpur.
5. The Sub Divisional Officer, Banka, District- Banka.
6. The District Land Reforms, Banka.
7. The Additional Collector, Land Reforms, Banka.
8. The Circle Officer, Shambhuganj, P.S. Shambhuganj, District- Banka.
9. The Circle Officer, Sultanganj, P.s.- Bath, District- Bhagalpur.
10. The Officer In-Charge, Shambhuganj, P.S.- Shambhuganj, District- Banka.
11. Chandan Kumar Singh alias Chandan Singh, son of Late Sahdeo Prasad Singh, resident of village BanSHIPur, P.O. - Chatmadih, P.s. - Shambhuganj, District- Banka.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr. Majid Mahboob Khan, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-01-2020 Following is the relief, which the petitioner is seeking : -

“ i. That the present writ application is being filed in the nature of Mandamus for a direction to stop the measurement of the land situated in mauja BanSHIPur, Thana No.6, Khata No.56, Plot No.160, Total 0.83 decimal, nature of the land-Aam Rasta (Annexure-P/9) in the light of the notice issued by the Circle Officer, Shambhuganj dated 14.11.2019 which is scheduled on 22.11.2019 unless



and until Circle Officer, Sultanganj, Bhagalpur and Circle Officer, Shambhuganj, Banka jointly conduct the enquiry and submit the report as there is finding in Annexure-P/5; on the ground that the land in question is Aam rasta and the private respondent wants to encroach upon the aam rasta based on the measurement of the land.

ii. That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authority especially the Circle Officer, Shambhuganj, Banka and the District Magistrate, Banka to stop encroachment in mauja Banshipur, Thana No.6, Khata No.56, Plot No.160, area 7 decimal, which is a vacant land and in the garb of the measurement is being encroached by the private respondent through invalid and improper i.e. the rent receipt.

iii. That the present writ application is being filed in the nature of Mandamus for a direction to the Circle Officer, Shambhuganj, Banka and the DCLR, Banka to enquire into the matter as to who has issued the rent receipt to the private respondent and take necessary action against the culprits involved in the said matter.

iv. That the present writ application is being filed in the nature of Mandamus for a direction to the District Collector, Banka to disposed of the representation dated 14.11.2019 by which the petitioner has categorically raised the issued with regard to the land situated at Mauja Banshipur, Thana No.6, Khata No.56, Plot No.160, area 7 decimal and the different actions proposed that the petitioner in accordance with law.

v. For any other relief/reliefs for which the petitioner is entitled for.”

The Court fails to understand why the Circle Officer should be restrained from making measurement of the land in



question. The petitioner cannot have any grievance against mere measurement of land. If, according to the petitioner, any action, on the basis of incorrect measurement of the land, is taken, adverse to his interest, he shall have appropriate remedy in accordance with law before appropriate forum.

This application, in the present form, is premature and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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