

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.114 of 2020

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1. Jang Bahadur Prasad Yadav @ Jang Bahadur Prasad, aged about 70 years, Male, Son of Shivdhari Raut, Resident of Village and Post Office-Harpur, Anchal and Police Station-Adapur, District-East Champaran.
 2. Bijli Yadav @ Bijli Raut, aged about 52 years, Male, Son of Deodhari Raut, Resident of Village and Post Office-Harpur, Anchal and Police Station-Adapur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Police, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The Sub Divisional Officer, Raxaul, East Champaran.
7. The L.R.D.C., Raxaul, East Champaran.
8. The Circle Officer, Anchal-Adapur, East Champaran.
9. The Officer-in-Charge, Adapur Police Station, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-01-2020 Heard both sides.

The petitioners filed this writ petition for quashing the Memo No.752, dated 04.07.2019 issued under the signature of the District Magistrate, East Champaran at Motihari whereby the land of the petitioners bearing Plot No.647, area 80 decimals of Khata No.167 was handed over to the police department for construction of outpost of Adapur Police Station.



Learned counsel for the petitioners submits that the petitioners purchased the land from Upendra Bihari Sinha and Ramendra Bihari Sinha, both sons of Sakaldeo Narayan and got their names mutated but without giving any notice to the petitioners, the Collector handed over the land to the police department for construction of outpost of Adapur Police Station.

On the face of it, it appears that the nature of the land is recorded as *Gair Mazarua Malik* in the record of rights and was in possession of the Government of Bihar. There is disputed question of title and in this writ petition the disputed question of title and possession cannot be decided.

In this view of the fact, I find no merit in this writ petition. Accordingly, the writ petition is dismissed with liberty to the petitioners to approach the Civil Court for seeking relief for declaration of title and possession over the land in dispute.

(Prabhat Kumar Jha, J)

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