

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20166 of 2018

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Sadanand Singh Son of Sri Kamleshwari Singh, resident of Village-
Raghuchak Andhar, P.O.- Kathara, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Collector, Bhagalpur.
3. The District Planning Officer, District Yojna Bhawan Bhagalpur.
4. The Deputy Development Commissioner, Bhagalpur.
5. The Executive Engineer, Local Area Engineering Organization, Bhagalpur-I, Bhagalpur.
6. The Sub-Divisional Officer, Bhagalpur.
7. The Circle Officer, Sultanganj, Bhagalpur.
8. Kumar Sanjeev, S/o Awadhesh Kumar Singh, R/o Village- Raghuchak Andhar, P.O.- Katahra, P.S.- Sultanganj, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Prabhakar
For the Respondent/s : Mr.Harish Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 14-09-2022 Heard the parties.

The only grievance of the petitioner is that the authorities are making certain construction upon the land of the petitioner and therefore the petitioners may be paid compensation for the same.

This prayer is supported by the the petitioner on the basis of the report of the Anchal Amin of year 2017.

Learned counsel for the intervenor has filed an intervention application and brought on record the order of the



Commissioner, Bhagalpur Division dated 05.11.2018 by which it appears that the construction is made on the land belonging to the Government.

The order is based on the Three Men Committee report on which the Circle Officer, Sultanganj is a party.

The Anchal Amin is not authorized for finally giving the report on the measurement.

It is the Circle Officer in law to give the report of measurement and once the Circle Officer is a party to the report dated 29.10.2018 that the construction is being done on the Government land. The claim of the petitioner *prima facie* is denied by the State.

In these circumstances, the only option left to the petitioner is to move to the Circle Officer by filing a demarcation case and get his land demarcated.

If any land of the petitioner is being found to be used by the Government Agencies in construction then the petitioner is entitled to compensation in accordance with law.

Learned counsel for the petitioner submits that the report of the Anchal Amin says that the land of the petitioner is encroached by some private individuals. If that is so, the petitioner has liberty to move the competent Civil Court for



removal of encroachment and writ proceeding is not the right forum for the same.

With the aforesaid observations and directions, this application is disposed of, and the order dated 19.07.2019 is recalled and the construction may continue.

(Sandeep Kumar, J)

Shishir/Vikas

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