

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1218 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Girja Devi, wife of Late Kashi Nath Sinha, resident of “Sinha Sadan”
Shivajipath, Yarpur, P.S. - Gardanibagh, District – Patna.

... .. Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Revenue Dept. Govt. Of Bihar, Patna.
2. The District Magistrate, Patna.
3. The D.C.L.R., Patna, Sadar, District – Patna.
4. Senior Superintendent of Police, Patna, District – Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sushant Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and Mr. Rishi
Raj Sinha, learned SC-19 for the State.

Petitioner has filed this writ application for the
following reliefs:-

- “A. For issuance of an appropriate writ for commanding and directing the Respondents for taking appropriate steps in construction of boundary wall over the land of the petitioner situated at Mauza-Yarpur, P.S.-Gardanibagh, District-Patna bearing the plot no. 334 & 335, Khata No. 66, Thana No. 18, District- Patna in western side of the petitioner’s house over the aforesaid plot.
- B. For commanding and directing the respondents to take all necessary steps for providing proper security to the petitioner for making construction of boundary wall over the aforesaid land of the petitioner.
- C. For granting any other relief/reliefs for which the petitioner is entitled to under the present facts and circumstances of the case.”

Learned counsel for the petitioner submits that the



neighbours of the petitioner are creating nuisance and disturbances and when the petitioner started fencing her unconstructed part of land measuring 556.567 square feet in the adjacent western side of her house, the respondent objected to the same. In this regard information was given to the jurisdictional police station also seeking proper security for construction of boundary wall but no help was provided to the petitioner.

A counter affidavit has been filed on behalf of the State. It is stated therein that the petitioner has instituted a demarcation proceedings vide case no. 25/2000-2001 before the D.C.L.R. Patna Sadar, Patna with regard to the said land. It is stated in paragraph '7' of the counter affidavit that D.C.L.R. Patna Sadar vide memo no. 1494 dated 13.12.2017 sought a report from the Circle Officer, Patna Sadar with regard to the land in question whereupon the report of Circle Officer as contained in letter no. 7514 dated 15.12.2017 has been submitted.

Learned SC-19 while representing the State submits that the land in question bearing Khata No. 66, Plot No. 3334, and 335 is raiyati land. The nature of the land is "Dhanhar" as per Register-II, different Jamabandies have been created in the



name of different persons as mentioned in the said report, and according to him, the dispute is with regard to the right and title of the land in question among the neighbours.

Having heard learned counsel for the parties and upon perusal of the records, this Court is of the considered opinion that it is a case of sheer delay and laches on the part of the D.C.L.R. Patna Sadar in taking the proceeding instituted in the year 2000-2001 to its logical end. Only a vague statement has been made in the counter affidavit that the dispute is with regard to the right and title of the land in question among the neighbours. Nothing has been indicated to show even prima-facie that any suit or other proceeding for adjudication over the right and title of the petitioner is pending in any competent court of law. Such bald statements of the respondents as contained in paragraph '10' of the counter affidavit would not inspire confidence of this Court.

So far as the statements made in paragraph '9' of the counter affidavit is concerned, again this Court can only observe that the respondents have only tried to create some sort of confusion while avoiding their responsibility to act in terms of the statutory duty conferred upon them to take the proceeding to its logical end. A Khata consists of several plots and so far as



creation of jamabandi is concerned, that would not be any factor to say that it would create any difficulties in the demarcation of the land. It is not the stand of the respondents that the land in question is not standing in the name of the petitioner or her predecessor/ancestor and that the land is not mutated in her name. This would not be mean to understand that the court is conferring any status to the petitioner but in all fairness the counter affidavit should have made the things clear.

Be that as it may, this Court fails to understand as to why a proceeding of the year 2000-2001 will remain pending with D.C.L.R. so long.

In the circumstances, this Court directs the D.C.L.R. Patna Sadar, Patna (respondent no. 3) to take up this proceeding on urgent basis and conclude it after hearing all concern within a period of four months from the date of communication of this order.

The Collector cum District Magistrate, Patna (respondent no. 2) is directed to monitor the progress of this case and supervise the proceeding in a manner so that the D.C.L.R. Patna does not sit over the matter. He may, in his own wisdom, take a view as to why the proceeding remained pending for 21 years so far and who are responsible for the



same.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

