

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3485 of 2015

=====

Lokesh Sharma Son of Ramesh Sharma resident of village - Hathia, P.S.
Yogapatti, District - West Champaran

... .. Petitioner/s

Versus

1. The Chief Secretary, State Of Bihar, Patna
2. The Principal Secretary, Ministry of General Administration, State of Bihar, Patna
3. The Principal Secretary, Ministry of Home Affairs, State of Bihar, Patna
4. District Magistrate - Cum - Collector District - West Champaran at Bettiah, West Champaran
5. Dy. Development Commissioner, District West Champaran at Bettia, West Champaran
6. Sub Divisional Officer, Bettiah Sadar at Bettia, West Champaran
7. Dy. Collector, Land Reform Bettiah, West Champaran
8. Superintendent of Police, at Bettiah, West Champaran
9. Sub - Divisional Police officer, Bettiah Sadar, West Champaran
10. officer Incharge, Yogapatti Police Station Yogapatti, District - West Champaran
11. Block Development officer, Block Yogapatti, District - West Champaran
12. Circle officer, Yogapatti, District - West Champaran
13. The Panchayat Secretary, Gram Panchayat Raj Hathia, Block - Yogapatti, District - West Champaran
14. Junior Engineer Yogapatti West Champaran
15. Suresh Sharma Son of Late Chandrika Sharma
16. Vikrama Sharma Son of Sukhal Sharma
17. Urmila Devi Wife of Suresh Sharma All 15,16 and 17 are resident of village - Hathia, P.S. Yogapatti, District - West Champaran at Bettiah

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bindeshwar Sah, Advocate
For the Respondent/s : Mr. GP 27

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-07-2022 The present writ petition has been filed for

directing the respondents to preserve the old public well



situated at village-Hathia, Block- Yogapatti, District- West Champaran at Bettiah under Khata no. 198, Khesra no. 683 which was owned by a person who has died issueless.

The learned counsel for the petitioner has submitted by referring to an order dated 01.03.2012, passed by the Deputy Collector, Land Reforms, Bettiah Sadar in Case no. 14 of 2011-12, that the well has been found to be situated in Khata no. 198, Khesra no. 683 at village- Hathia, District- West Champaran at Bettiah and it has been held that the private respondent namely Suresh Sharma has got no connection with the said land in question.

The learned counsel for the respondent- State, by referring to the counter affidavit filed in the present case on behalf of respondents no. 4 to 7, 11 and 12 has submitted that the said Plot no. 683 is registered as Belagan in the Revisional Survey Khatian, in the name of Wala Turha who died issueless and is situated besides the house of one Ramesh Sharma. The said land is being utilized by the villagers, however some portion has been encroached by one Suresh Sharma. It is also submitted that upon representation being made by the villagers, a report was called for, from the Executive Magistrate, Bettiah, who vide his letter dated



19.01.2012, has clarified that the said Plot no. 683 belongs to one Wala Turha who has died issueless. Finally, the Deputy Collector, Land Reforms, Bettiah Sadar vide aforesaid order dated 01.03.2012, passed the final order in B.L.D.R. Case no. 14 of 2011-12 holding that the said Suresh Sharma has got no connection with the aforesaid Plot no. 683. It is also submitted that despite the aforesaid order dated 01.03.2012, passed by the D.C.L.R., Bettiah Sadar, the private respondents continued to make encroachment over the land in question, whereafter the Circle Officer, Yogapatti vide order dated 05.07.2014, had issued notice to the private respondents to remove the encroachment in question, however the encroachment was not removed leading to filing of an F.I.R. bearing Yogapatti PS case no. 207 of 2014 against the private respondents no. 15 to 17. The Circle Officer, Yogapatti had then issued notices to the private respondents no. 15 to 17 for removal of the encroachment in question and for renovation and reconstruction of the well in question. Subsequently, an estimate was also prepared by the Junior Engineer, Yogapatti Block for renovation of the well and in the meantime, measurement of the land in question was made and a report dated 17.07.2017 was submitted by the Anchal Amin along



with a map stating therein that the well in question is not situated in plot no. 683.

The learned counsel for the petitioner has submitted that a false report has been prepared by the Anchal Amin and the fact remains that the well is definitely situated in Plot no. 683, Khata no. 198 which is the land of the issueless land owner namely Wala Turha, who has already died.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to dispose off the present writ petition with a direction to the District Magistrate, West Champaran at Bettiah to conduct an inquiry as also make a spot inspection and after granting an opportunity of hearing to the petitioner and other effected parties, take a final decision in the matter, as to whether the well is situated in Plot no. 683 or Plot no. 678 at village- Hathia, apart from getting the Plot no. 683 demarcated, which admittedly belongs to an issueless person who is not alive any longer. The D.M., West Champaran, Bettiah is further directed to ascertain as to whether the said deceased issueless person, who is the owner of the aforesaid Plot no. 683, has any legal heirs or not, whereafter he shall pass appropriate orders with regard to the use of the said Plot no. 683. It is needless to state that



appropriate decision shall be taken within a period of 12 weeks of the receipt/ production of a copy of this order.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

