

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5129 of 2018

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Amit Kumar Alias Deepu S/o Late Rajendra Prasad, Resident of Gultera Bazaar, Chati Mill, P.O. and P.S. Bihta and District- Patna presently residing at Janak Kishore Road, P.O. and P.S.- Kadam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Patna.
4. The Sub Divisional Officer, Danapur, Patna.
5. The Circle Officer, Bihta, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal
For the Respondent/s : Mr.Anjani Kumar -Aag4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-08-2022 The present writ petition has been filed
seeking the following reliefs:-

“1(a) For restraining the respondents from proceeding with any such construction work on the private land area of the petitioner in absence of any proceeding of land acquisition or any other notice regarding exercise of any power with respect to the land belonging to the family of the petitioner.

(b) For a further direction upon the respondents to refrain from any such action in future during the pendency of the T.S.No. 480/1984 filed by one



of the family members of the petitioner wherein an order of injunction has already been passed.

(c) For a further declaration that the land area being a private land belonging to the family of the petitioner none except the petitioner and his family has a right to use and peaceful enjoyment of the said area in absence of any such notice and conclusive action by a competent authority in accordance with law.”

The learned counsel for the petitioner submits that a jamabandi was created in favour of the great grandfather of the petitioner and the same has not been cancelled till date, hence, the respondents have no right to construct any road or any other structure over the private land of the petitioner.

Per contra, the learned counsel for the State has submitted that the land in question, where the road has been constructed several years ago, is a gairmajarua malik land and the Respondent authorities are at a loss to understand



as to under what circumstances the jamabandi was created in favour of the ancestor of the petitioner, nonetheless, it is submitted that the entire aspect of the matter shall be examined by the District Magistrate, Patna and appropriate decision shall be taken and in case, the jamabandi has not stood cancelled, the case of the petitioner shall be appropriately dealt with.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to file appropriate petition before the District Magistrate, Patna and in case, such a petition is filed within a period of eight weeks from today, he shall consider the same and pass appropriate orders thereon, in accordance with law, within a period of twelve weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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