

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2702 of 2017

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1. Sadhana Sharma wife of late Satyendra Nath Sharma
 2. Prashanjeet Gaurav son of late Satyendra Nath Sharma Both residents of village - May, P.S. - Parwalpur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Land Reforms Department Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Deputy Collector Land Reforms, Hilsa, Nalanda.
5. The Sub Divisional Officer, Hilsa, Nalanda.
6. The Circle Officer, Parwalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Prasad, Advocate
For the State	:	Mr.Rishi Raj Sinha- Sc19
		Mr. Atul Shankar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-04-2023 At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record.

The present writ petition has been filed seeking the following relief:-

“1 That this is an application for issuance of a writ in the nature of Mandamus or any appropriate Writ/s, order/s, direction/s commanding the respondents for direction to demarcate and remove encroachment over the land of the petitioners pertaining to Mauza May, Thana No.59, Khata No.295, Plot No 535,



area 80 decimal which has been encroached by the co-villagers of the petitioners. It is further direction upon the respondents for not taking any action for construction of concrete gali/road over the petitioners land and pass such order or direction in the interest of justice in the facts and circumstances of the case.”

The learned counsel for the respondent-State has filed a counter affidavit, duly sworn by the District Magistrate, Nalanda at Biharsharif, wherein it had been stated that the husband of the petitioner no.1 had filed a demarcation case, whereupon a case bearing Demarcation Case No.4 of 2006-07 was initiated, however, the application of mutation of land in question was rejected leading to filing of a writ petition bearing CWJC No.18219 of 2011, which was allowed vide order dated 12.12.2013, passed by a Co-ordinate Bench of this Court, wherein it has been held that in case settlement has been made on a Gair Majarua Aam land before vesting and it continues until the date of vesting of the land i.e. till the year 1956, it creates a legal right on the settlee. It is further submitted by the learned counsel appearing for the respondent-State that subsequently, the husband of the writ petitioner had again filed an application for demarcation of the land in question in the year 2016 and then, the measurement was conducted, whereafter



the boundary of the land of the petitioners has been demarcated on 21.04.2023 and it has been found that the land in question belongs to the petitioners.

The learned counsel for the petitioners has stated that though the petitioners are satisfied with the demarcation of their land, however, it is submitted that in case they construct boundary wall and any hindrance is caused, the respondent-authorities be directed to help the petitioners to construct the boundary wall. It is directed, accordingly.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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