

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6781 of 2023

=====

Abul Hasnain S/o Late Vakil Miya @ Vakil Samani, Resident of Village-
Mathlohiyar (Tola-Banchihuli), P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Revenue and Land Reforms Department, Govt. of Bihar at Patna.
2. The Collector of East Champaran, at Motihari.
3. The Executive Engineer, Designing Division (Rupankan Pramandal) at Muzaffarpur.
4. The Executive Engineer, Gandak Division at Muzaffarpur.
5. The Dy. Collector of Land Reforms at Areraj, East Champaran.
6. The Circle Officer, Harsidhi, East Champaran.
7. Sagir Ansari S/o Late Pir Mohammad Ansari, Resident of Village- Banchihuli, P.S.- Harsidhi, District- East Champaran.
8. Ali Ansari S/o Sagir Ansari, Resident of Village- Banchihuli, P.S.- Harsidhi, District- East Champaran.
9. Imtiyaz Ansari S/o Sagir Ansari, Resident of Village- Banchihuli, P.S.- Harsidhi, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna, Adv.
	:	Mr. Prabhat Kumar Singh, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
measurement of the land in question bearing Khata No.96, Plot
No.2438 situated under Village Kanchedwa, Anchal Harsidhi,
District East Champaran.

3. Learned counsel for the petitioner submits that the



land in question was recorded in the name of grandfather of the petitioner as *Khatiyani Raiyat* having 3 decimal. He further submits that out of 3 decimal land, 4 dhur was sold to one Sagir Miyan who is respondent no.7. The claim of petitioner is that the said Sagir Miyan is encroaching the land of the chart of Nahar, due to which the movement of petitioner became blocked.

4. Learned counsel for the State submits that no document with regard to land has been produced in the writ petition. Merely by virtue of representation by which it is clear that the private respondents are encroaching the chart of the Nahar i.e. public land, in this regard, the petitioner shall move before the Circle Officer under Bihar Public Land Encroachment Act, 1956.

5. Upon going through the pleadings and position of law, it is crystal clear that any raiyat may file application before the Circle Officer for measurement of the land upon payment of requisite fee as laid down under Rule 23 of the Tenancy Rules under Bihar Tenancy Act, 1885. If petitioner is interested for measurement of his own land then also he shall be at liberty to file application before the Circle Officer, Harsidhi, East Champaran upon filing application followed by payment of



measurement cost.

6. With this direction, the present Writ Petition stands
disposed off,

(Dr. Anshuman, J.)

Ritik/-

U			
---	--	--	--

