

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15604 of 2018

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Ganesh Yadav @ Ganesh Singh Yadav @ Ganesh Singh Son of Late Nithali Singh resident of Village Bhuwa, P.O. Kara, P.S. Jamhaur, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The L.R.D.C. Aurangabad.
4. The Circle Officer Barun, P.S. Barun District Aurangabad.
5. The Anchal Amin, Barun, P.S. Barun, District Aurangabad.
6. Jhapasi Choudhary
7. Jitwahan Choudhary Both are sons of Late Brikesh Choudhary resident of Village Bhuwapur, P.O. Kara, P.S. Jamhaur, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Res. Nos.6 & 7	:	Md. Harun Quareshi, Advocate
For the State	:	Ms. Nutan Sahay, A.C. to AAG 12

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 18-03-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent nos.6 and 7.

The petitioner has filed the instant application for the following relief(s):

“(i) For the direction to the respondents authority to demarcate the land of the petitioner and fixed the pillar of the both parties land in pursuance of the order dated 05.7.2017, passed by L.R.D.C. Aurangabad in land dispute case No. 31/2016 -17



which the learned L.R.D.C. directed to Circle Officer to measure the disputed land of the parties and demarcate it.

(ii) Further for direction to the respondent authority to stop for illegal encroachment, done by the Private respondents for the land of petitioner.

(iii) For any other order/orders on the facts and circumstances stated herein after in this case.”

Without going into the merits of the case of the parties, the case of the petitioner in brief is that the petitioner was a party in Land Dispute Case no.31/2016-17 which was decided by order dated 5.7.2017 (Annexure-4) passed by the Sub Divisional Officer, Aurangabad. There was a categorical directions therein to the Anchal Amin to get the land in question measured and further the Circle Officer, Barun was directed to get the land demarcated.

It is the case of the petitioner that inspite of the directions given to the Circle Officer in the aforesaid order, the land of the petitioner has still not been demarcated and thus the instant writ application for the prayer made as quoted herein above.

Learned counsel for the State and learned counsel for the respondent nos.6 and 7 have appeared.

The respondent-State has filed a counter-affidavit on



behalf of the respondent nos.2, 3 and 4 wherein to the statement made by the petitioner referring to the aforesaid order dated 5.7.2017 (Annexure-4), it has been stated that pursuant to the said order the land in question was measured in presence of both the parties and the private Amins nominated by the parties. Thereafter, no further statement has been made with respect to the main prayer of the writ petitioner ie demarcation of the said land.

Learned counsel for the private respondent nos.6 and 7 submits that private respondents have no objection to the prayer made by the petitioner in the instant application.

Having heard learned counsel for the parties and having gone through the material on record, this writ application is disposed of with a direction to the respondent authorities specially the Circle Officer, Barun, District Aurangabad (respondent no.4) to proceed with compliance of the directions contained in order dated 5.7.2017 (Annexure-4) passed in Land Dispute Case no.31/2016-17 by the Sub Divisional Officer, Aurangabad to measure and demarcate the land of the petitioner.

The entire exercise will be completed by the said respondent no.4 within a period of 8 weeks of communication/receipt of a copy of this order.



In case, the directions contained in this order is not complied with by the respondents in its letter and spirit within the time fixed as stated herein above, the Circle Officer, Barun, District Aurangabad (respondent no.4) shall pay a cost of Rs.10,000/ to the petitioner.

This writ application stands disposed of with the aforesaid directions and observations.

(Partha Sarthy, J)

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