

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.629 of 2023

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Ram Naresh Singh S/o Ramdhari Singh, R/o Village- Dumramaw, P.S.-
Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Nalanda, Bihar.
3. The Superintendent of Police, Nalanda, Bihar.
4. The S.D.O. Biharsharif, Nalanda, Bihar.
5. The Circle Officer, Asthawan, Biharsharif, Nalanda, Bihar.
6. S.H.O. Asthawan, Biharsharif, Nalanda, Bihar.
7. Raj Kumar Singh, S/o Late Hari Singh, Village- Dumrawan, P.S.- Asthawan,
District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kishor Prasad
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioners submits that he
is not pressing any prayer except prayer No. 2(I) made in the
present petition by which the petitioners seek a direction to the
respondent authorities (1 to 6) to make a proper and independent
measurement of land in question i.e. the land of Mandir bearing
Khata No. 943, Khesra No. 2867 situated at village- Dumrao,
Circle- Asthawan, District- Nalanda.

Counsel submits that the petitioner had surprised to receive a notice of Encroachment Case No. 11 of 2022-23 which was issued to the him vide Memo No. 808 dated 08.06.2022 (Annexure-P/1) directing him to remove the encroachment from the land in question within 15 days.

Counsel for petitioner submits that petitioner is residing in his house since time immemorial. He submits that without any spot verification or measurement of land and at the instance of local *Karamchari* and *Mukhiya* with whom he has political rivalry, have persuaded to the Circle Officer, Asthawan, Biharsharif, Nalanda and on their instance, this notice has been issued.

Counsel further submits that petitioner is innocent but law abiding citizen. He has annexed Annexure-3 by which petitioner has requested for measurement of his land, but till date no action has been taken on his request.

Counsel for State submits that provision for measurement of land is laid down in Rule 23 of the Bihar Tenancy Rule of Bihar Tribunal Act, 2009 (Bihar Act 9, 2009) upon payment of cost by the petitioner to the Circle Officer, Asthawan, Biharsharif, Nalanda so that the present dispute may

be ended forever.

In the present facts and circumstances, the petitioner is granted liberty to file a fresh application before the Circle Officer, Asthawan, Biharsharif, Nalanda for measurement of his land within four weeks from today whereupon, the Circle Officer, Asthawan, Biharsharif, Nalanda is directed to do the needful in the present case upon receiving application and payment from the petitioner within four months thereafter.

With this direction, this civil writ application is hereby disposed of.

(Dr. Anshuman, J.)

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