

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1523 of 2023

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1. Mahendra Prasad @ Mahendra Prasad Singh S/o Jalebi Pd. Singh Resident of Village- Turki, Post- Rasauli, P.S.- Panapur, Dist.- Saran.
 2. Lal Bachan Singh, S/o Chulai Sing Resident of Village- Turki, Post- Rasauli, P.S.- Panapur, Dist.- Saran.
 3. Chandrama Singh, S/o Shivshankar Singh Resident of Village- Turki, Post- Rasauli, P.S.- Panapur, Dist.- Saran.
 4. Mina Devi, W/o Mahendra Prasad Singh Resident of Village- Turki, Post- Rasauli, P.S.- Panapur, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms.
2. District Magistrate, Saran.
3. Additional Collector, Saran.
4. Deputy Collector Land Reforms, Maraurha, Dist.- Saran.
5. Circle Officer, Panapur, Dist.- Saran.
6. Bihar Medical Services and Infrastructure Corporation Ltd. Represented through Shri Sagar Jaiswal Deputy General Manager Having its registered office at 4th floor, Bihar State Building Construction Corporation Limited, Hospital Road, Shastri Nagar Road, Patna.
7. Civil Surgeon, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C.-25
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Vikash Kumar, Advocate
		Mr. Ayush Kumar, Advocate
		Mr. Kanishka Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 07-05-2024 Heard Mr. Parth Gaurav, learned Counsel for the

petitioners, Mr. Lalit Kishore, learned Counsel appearing on

behalf of the respondent no 6 and Mr. Sajid Salim Khan, learned

A.C. to S.C.-25.



2. The present petition has been preferred for the following reliefs:-

(i) not to encumber upon the land of the Petitioners (Disputed land which is peaceful possession of the Petitioners and their family members);

(ii) to make good the loss suffered by the Petitioners as three of their kiosks which were standing on the road side upon the disputed land has been demolished along with the material for sale in side;

(iii) for paying compensation of rupees 10 lacs to the petitioners as they have been unnecessarily harassed by the Respondent authorities;

(iv) maintain Status quo over the land in question/disputed land during pendency of the instant writ application;

(v) to restore status quo ante.

3. The affidavits are on record including the counter affidavit on behalf of the respondent nos. 2 to 5 and the respondent no. 6, the Bihar Medical Services and Infrastructure



Corporation Limited. The counter affidavit of the District Administration would show that on 13.09.2022, the measurement of the land was done and one of the petitioner (Chandrama Singh, petitioner no. 3) was present at the site. At this stage, learned Counsel for the petitioners, Mr. Parth Gaurav submits that he may be given liberty to approach the Collector, Saran at Chapra so that the land be measured in their presence and the map so prepared be shown to them so that they can put in their respective signatures.

4. Learned Counsel for the petitioners acknowledge that the construction of the Community Health Centre will be beneficial for the area and if the same is being constructed on the land which was earlier gifted by the ancestors, they do not have any objection. The further submission is that they are ready to pay the cost for the re-measurement.

5. Mr. Lalit Kishore, learned Senior Counsel submits that beside the fact that the land was gifted by the ancestors in the larger interest of the public beside the Primary Health Centre, this Community Health Centre is coming up at Panapur and they have nothing to do with the matter save and except that the District Administration provided them the piece of land on which construction is being done.



6. In view of the limited prayer made by the learned Counsel for the petitioners for which she is also ready to pay cost, the writ petition stands disposed of with a direction to the petitioner to approach the respondent no. 2, the Collector, Saran at Chapra within four weeks from today along with all the documents who shall direct the D.C.L.R., Maraurha to get the land measured in his presence and if needed the Additional Collector, Saran at Chapra, can also be roped in.

7. The petitioners are duty bound to appear on the date fixed by the respondents and if they failed to do so, the Collector, Saran at Chapra is free to take decision suo-motu. The process be completed expeditiously.

8. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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