

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6802 of 2016

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1. Shivnandan Yadav and Anr S/o Late Bichho Yadav
 2. Shiv Kumar S/o Sheonandan Yadav Both R/o Village Bari Govindpur, P.S. Dharhara, District - Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. District Magistrate, Munger or Collector, Munger.
3. Deputy Development Commissioner, Munger.
4. Additional Collector, Munger.
5. S.D.O. Munger.
6. D.C.L.R. Munger.
7. Block Development Officer, Dharhara, Munger.
8. Anchal Adhikari, Dharhara Munger.
9. Thanadhyaksh Dharhara, Police Station, Munger.
10. Sri Rakesh Gope S/o Lakhan Gope of village Khirodhpur, Gram Panchayat, Raj Sarobagh, P.S. Dharhara, Dist. Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate
For the Respondent/s : Dr. Mankeshwar Jindri, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-02-2024 Heard learned counsel for the petitioner and the State.

2. The present writ petition has been preferred for the
following relief:

*“That this application is for issuance
of a writ /order/directions to the respondents
not to construct Play ground on Plot no. 27
appertaining to Khata no.20 area 1 ½
Bighas of land of Village Boakhara Dih, P.S.
Dharhara, P.S. no. 223, District Munger*



ignoring the claim of the petitioners as said plot is the purchased land of their father and after his death petitioners have been coming in possession over the same and paying rent to the State of Bihar as not a single inch of the land of the aforesaid plot has been acquired by the State of Bihar till date and also for protection of the life and property of the petitioners.”

3. The State finally came out of deep slumber and eight years later, counter-affidavit on behalf of respondent Nos. 2 to 8 has been filed after service of copy to the learned counsel for the petitioner and paragraph 10 reads as follows:

“10. That the statement made in Paragraph No. 7 of the writ petition is stated that the playground has been constructed over the Gair Majarua Aam Rasta on Plot No. 112 and the land of the applicant is Individual land adjacent to the playground. It is a fact that the lands of Plot No. 27 has been not acquired by the Government of Bihar.”

4. The State has also brought on record the report of the Anchal Amin and the Halka Karamchari dated 13.01.2024



according to which the construction has been made on the Khasra No. 112 whereas the Khasra No. 27 is the raiyati land of the petitioner.

5. This Court is satisfied that no construction has been made on the raiyati land of the petitioner.

6. At this stage, learned counsel for the petitioner submits that he will make an appropriate application before a Circle Officer, Dharhara, Munger for demarcation of his raiyati land through Government employees after paying requisite fee.

7. That discretion always lies with an individual much less the petitioner. So far as this writ petition is concerned, the Court is convinced that the construction in question has been made on Khasra No. 112.

8. The writ petition is accordingly stands disposed of.

(Rajiv Roy, J)

Adnan/-

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