

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8732 of 2021

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Pramendra Kumar S/o Suresh Prasad Singh resident of Village- Nisarpura,
P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Sub- Divisional Officer, Sadar Patna.
4. The Circle Officer, Phulwari Sharif.
5. The Officer-In- Charge, Parsa Bazar Police Station, Patna.
6. The Executive Engineer, Public Health Division, Patna West, Patna.
7. The Assistant Engineer, Public Health Sub- Division, Patna West, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 23-04-2024 Heard Mr. Ajay Kumar Singh, learned counsel for

the petitioner and the State.

2. The petitioner has prayed for the following reliefs:

- (i) for issuance of writ in nature of mandamus commanding upon the respondent authorities not to make illegal construction over Raiyati land of the petitioner under the garb of implementing Single Rural Water Supply Scheme;*
- (ii) for further direction upon the*



respondent authorities to measure and demarcate the Raiyati land of the petitioner appertaining to plot No. 533,532 and 531 of Mauza - Nisarpura, under Phulwari Sharif block, which has been illegally encroached upon by the respondent authorities by way of raising boundary wall for construction of water tank etc;

(iii) for direction upon the respondent authorities that after measurement and demarcation of land of petitioner to remove the encroachment made by them and hand over peaceful possession of the land to the petitioner;

(iv) for further direction upon the respondent authorities not to undertake any construction work over raiyati land of the petitioner during pendency of this writ



application.

(v) for any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. Pursuant to the last order dated 11.3.2024, the counter affidavit on behalf of respondent nos. 2 to 4 (the District Magistrate, Patna, the Sub-Divisional Officer, Sadar Patna as also the Circle Officer, Phulwari Sharif) is/are on record duly put on affidavit by the respondent no. 4. Para-4 of the counter affidavit read as follows:

"4. That present writ application has been filed by the petitioner for a direction to the respondent authorities to not to make illegal construction over the raiyat land of the petitioner under the garb of implementing single rural water supply scheme. The petitioner has further prayed to measure and demarcate his raiyati land appertaining to plot no. 533, 532



and 531 of Mauza-Nisarpura under Phulwarisharif which has been illegally encroached upon by the respondent authorities by way of raising boundary wall for construction of water tank etc".

4. From the reply of the State, it is clear that 0.1826 decimals of the land of the petitioner of khesra nos. 531, 532 has been used by the State for construction of boundary wall of the "Jal Minar".

5. In that background, the Collector, Patna is duty bound to decide:

- (i) whether to remove the boundary wall from the land of the petitioner and reconstruct it in such a way that even a single inch of the land of the petitioner is not encroached;
- (ii) whether to compensate the petitioner on the basis of the market value of the land as incorporated in the office of the District Sub Registrar, Patna.



6. The petitioner shall approach the Collector, Patna within a period of four weeks from today and in such case, if the application/representation alongwith the relevant documents is/are preferred, the Collector, Patna is duty bound to dispose it of within a period of four months thereafter.

7. The consequence of the said order shall be completed within a period of next two months.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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