

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6644 of 2019

1. Mohammad Tohid Ahsan Son of Mohammad Nabab Hasan, Resident of Village- Aranda, Police Station- M.H. Nagar, District- Siwan.
2. Sarfuddin Ahmad, Son of Mohammad Nabab Hasan, Resident of Village- Aranda, Police Station- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principle Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
3. The Principal Secretary, Department of Homes, Govt. of Bihar, Patna.
4. The District Magistrate, Siwan.
5. The Sub-Divisional Officer, Siwan (Sadar), Siwan.
6. The Deputy Collector Land Reform (DCLR), Siwan.
7. The Circle Officer, Circle Hasanpura, District- Siwan.
8. The Block Development Officer, Hasanpura Block, Hasanpura, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Sajid Salim Khan (SC 25)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-02-2024

The petitioners, allegedly on public interest, have filed the above writ petition, claiming that the subject land more fully described in the writ petition is one, where a graveyard existed and the government has encroached upon it.



2. None appeared for the petitioners when the matter was called.

3. The learned Government Advocate specifically argued, on the basis of the counter affidavit filed, that the petitioners have founded the claim on presumption that the land bearing khata No. 167, Khesra No. 1301, area measuring 12 Katha 12 dhoor is a graveyard. The petitioners have relied upon entries of C.S. Khatiyani which also show that the said land is Gari Majurwa malik of the nature of Parti Kadim. It is also submitted that since the said land was not under use as Graveyard and its nature as Parti Kadim was continuing, it vested in the State of Bihar on abolition of Zamindari. However, keeping in view this writ petition, the Circle Officer, Hasanpura got an enquiry done by Halka Karamchari who has submitted his report dated 03.09.2019 (Annexure-A to the counter affidavit). As per the inquiry report, the subject land lost its nature as Graveyard even before vesting and remained in the control of the Government. Presently the Block and Anchal Offices are functioning on the land with existing Panchayat



Bhawan and some part of the land has been in the use of PHED.

4. The writ petition is without merit and hence stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2024
Transmission Date	N.A.

