

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10131 of 2023

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Rubi Devi Wife of Umesh Rajak Resident of Village- Samastipur, Ward No. 08, Post and Police Station- Sahebpur Kamal, District- Begusarai, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger, Bihar.
4. The District Collector, Begusarai, District- Begusarai, Bihar.
5. The Addl. Collector, Land Reforms, Balia, Begusarai, Bihar.
6. The Sub- Divisional officer, Balia, Begusarai, Bihar.
7. The Block Development Officer, Sahebpur Kamal, Begusarai, Bihar.
8. The Circle Officer, Sahebpur Kamal, Begusarai, Bihar.
9. Geeta Devi Wife of Late Umesh Yadav Mukhiya of Gram Panchayat Raj Samdalpur, Resident of Village- Samdalpur Gyantol P.O. and Police Station - Sahebpur Kamal, District- Begusarai, Pin Code 851217.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and the State.

2. The present writ petition has been preferred for grant of following relief/s:-

“i. For issuance of a writ of mandamus and any other appropriate writ/writs, order/orders, and direction/ directions to the concerned respondents authorities to stop the digging work upon the petitioner's land situated at Mauza Sandalpur; Plot No. 145, Khesra No. 296, Thana No. 656, Tauzi No.2943 which is



dwelling house and courtyard of the petitioner, upon which a pond is being constructed forcibly under Govt. Scheme by the Mukhiya (Respondent No. 9) in conveyance with the Circle Officer, Sahebpur Kamal, Begusarai (Respondent No. 8) in the name of rejuvenation of pond, which is not exist, despite of the fact that the petitioner's aforementioned land is the raiyati land.

ii. To restrain the respondents authorities not to construct the pond upon raiyati land of the petitioner forcibly without initiating any acquisition proceeding.

iii. For direction to the respondents authorities to pay the compensation for digging the courtyard of the petitioner after demolishing boundary wall forcibly without any proceeding by which house of the petitioner is on verge of demolition.

iv For direction to the respondents to fill the soil upon the raiyati land of the petitioner which is being digging continuously till date through J.C.B. and soil of about 10 lakhs has been digged till date.

v. Any other relief or reliefs as your Lordships may deem fit and proper in the larger interest of natural justice.”

3. A counter-affidavit on behalf of the respondent Nos. 4 to 8 is on record though the copy of the said counter-affidavit has not been served upon the learned counsel for the



petitioner despite the fact that the same was put on affidavit on 22.11.2023, almost six months ago.

4. In that background, learned counsel for the petitioner is entitled to a cost of Rs. 1,000/- to be paid by the office of learned GP-18 by Friday (03.05.2024) and a receipt thereof has to be submitted in the office.

5. Paragraph Nos. 4, 5 and 9 of the counter-affidavit read as follows:-

“4. That so far reliefs as prayed in Para No. 1 of the writ petition are concerned it is submitted that there is a Pond situated over part portion of land of Khesra No. 296 of Khata No. 145 in Mauza-Sandalpur. The answering respondent authority were doing renovation work of this Pond and not digging the land of the petitioner.

Since, the Pond has been existing since last long and whatever work was done for renovation of this Pond and this petitioner has no concerned over this land. This petitioner is still having possession over the land which he acquired possession and title through the sale deed.

5. That that Hon’ble High Court has to adjudicate main points as referred in Para No. 2 of the writ petition. However, it is relevant to mention here that the answering respondent has done the work of renovation of Pond which is in existence since long.



9. That the statement made in para no. 9 of the writ petition it is submitted that the Anchal Amin & Revenue Karamchari in his report clearly stated about the existence of Pond (Annexure-3 & 4 of the writ petition). On the basis of report of the Revenue Karamchari and Anchal Amin, the Circle Officer, Sahebpur Kamal issued No Objection Certificate for renovation of Pond question.”

6. The report of the Anchal Amin addressed to the Circle Officer, Sahebpur Kamal, Begusarai annexing the map showing the pond as also the land of the petitioner is on record.

7. In that background, learned counsel for the petitioner submits that he will be approaching the concerned respondent for getting his land measured once again after submitting requisite fee to check whether it has been taken for the renovation of pond or not.

8. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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