

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4328 of 2015

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Amit Kishalay Son of Sri Arun Kumar, Resident of village- Chapaur, P.S.
Masaurhi, District- Patna

... .. Petitioner/s

Versus

1. The District Magistrate, Patna
2. The Deputy Development Commissioner, Patna
3. The Circle Officer, Masaurhi
4. The Block Programme Officer, MANREGA, Masaurhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Respondent/s : Mr.Dr. A.K. U Padhyaya, SC-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-07-2024 The present writ petition has been filed seeking the
following relief:-

“1. That this is an application for issuance of a writ in nature of mandamus for giving direction to not construct the MANREGA BHAWAN and Anganbari Centre on Raiyati land of the petitioner, situated at Village- Chapaur, P.S. Masaurhi, District -Patna over the land bearing Plot No. 1832, Area 39 decimals without acquiring the same under the Land Acquisition Proceeding and without making payment of compensation for the Raiyati land of the petitioner, and further the respondents



may be ordered to remove the constructions already made over the raiyati land of the petitioner within a stipulated period.”

2. At the outset, the learned counsel for the Respondent-State submits, by referring to paragraph no. 10 of the counter affidavit, filed on behalf of the Respondents No. 1 to 4 that the petitioner has got only 3 decimal land in Khata No. 357, Plot No. 1832, however, he is claiming more land in an illegal manner and as far as the aforesaid plot in question is concerned, 21 decimal land, thereof has been recorded as Gairmajarua Malik land, in the records of rights and out of this, 21 decimal land, the petitioner claims 3 decimal of land to be belonging to him while the rest 18 decimal land is vacant. It is also submitted that the Manrega Bhawan and the Aangabari Centre have already been constructed only on 9 decimal of land out of 18 decimal vacant land, as aforesaid, which is Gairmajarua Malik land. Thus, the petitioner is not having any case, whatsoever.

3. Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to dispose off the present case, while granting liberty to the petitioner to seek redressal of his subsisting grievances, if any, by availing such other alternative remedies as are otherwise available under the law including that of filing a civil suit by approaching the learned Civil Court of



competent jurisdiction.

(Mohit Kumar Shah, J)

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