

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10805 of 2024

=====

Kanhaiya Prasad, Son of Late Gobind Prasad, Resident of Mohalla- Damaria,
Road No. 10, P.S. Gardanibagh, P.O. Anishabad, District- Patna- 800002,
Bihar,

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna, Bihar.
2. The Additional District Magistrate (Revenue), Patna. Bihar.
3. The Circle officer, Kumharar, Patna Sadar, Bihar.
4. The Officer Incharge of Gardanibagh, Police Station- Patna-800002.
5. Chairman-cum-Managing Director, B S P H C L, being Incharge of S B P D C L Consisting of Chief Engineer, (ONM), at Electricity Board Building, Vidyut Bhawan, Jawaharlal Nehru Marg (Bailey Road) First Floor, Patna-800021.
6. The Circle Amin, C/o Circle Office of Circle Officer at Kumharar, Patna Sadar, Patna.
7. The Junior Engineer, ONM Code ABA, South Power Distribution Ltd. Division and Sub- Division at Anishabad, Patna- 800002
8. Secretary, Damariaya Masjid Committee, Mohalla Damariya, P.O. Anishabad, P.S. Gardanibagh, Patna- 800002.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Kishore Srivastava, Advocate
For the Respondent/s : Mr. Rajeev Ranjan, AC to GP- 20

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-07-2024

Heard Mr. Raj Kishore Srivastava, learned Advocate

for the petitioner and Mr. Rajeev Ranjan, learned AC to GP-20

for the State.

2. The petitioner by invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking quashing of the order dated 17.05.2022 passed by the learned Circle Officer in Measurement Case No. 160/2021-2022. The



petitioner also sought a direction for re-measurement of the land, in question. It is also prayed that an electric pole has been installed unauthorizedly in the vacant portion of the land of the petitioner, which must be removed forthwith.

3. At the outset, learned Advocate for the State considering the nature of the grievance of the petitioner submitted at the bar that if the petitioner has any grievance with regard to the demarcation of the land, he has remedy before the Deputy Collector Land Reforms.

4. So far the prayer of the petitioner to the extent whereby he is seeking removal of the electric pole allegedly installed on the land of the petitioner, the petitioner has already filed representation before the concerned respondent-authorities and it is they, who shall consider the claim after proper verification of the facts and pass reasoned order.

5. In view of submissions made on behalf of the State, this Court deems it fit and proper to dispose of the writ petition with the liberty to the petitioner to approach before the concerned Deputy Collector Land Reforms.

6. The petitioner shall be at further liberty to file a fresh representation before the respondent no. 5 with regard to installation of electric pole over the private land of the



petitioner.

7. If such a representation is filed within a period of four weeks from today, the respondent no. 5 shall consider the same and after making proper inquiry pass a reasoned order within a further period of four weeks.

8. With the aforesaid liberty, the writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2024
Transmission Date	NA

