

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13575 of 2024

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Upendra Kumar Singh Son of Late Tribhuwan Narayan Singh, resident of village - Mashrakh, P.O. + P.S. - Mashrakh, District - Saran at Chapra-841417.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Planning and Development, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Saran at Chapra.
5. The Deputy Development Commissioner, Saran at Chapra.
6. The Superintendent of Police, Saran at Chapra.
7. The Sub-Divisional Magistrate, Marhaurah, Saran.
8. The Deputy Collector Land Reforms, Marhaurah, Saran.
9. The Circle Officer, Ishuapur Circle, Saran.
10. The Block Development Officer, Ishuapur, Saran.
11. The Station House Officer, Taraiya P.S., Saran.
12. The Executive Engineer, Local Area Engineering Organization, Work Division- 02, Sonapur, Saran.
13. The Regional Planning Officer, Saran Division, Chapra.
14. The District Planning Officer, Saran, Chapra.
15. Ramadhar Singh, Son of Late Prabhu Singh, resident of village- Chhapiya, P.O.- Dumri Chhapiya, P.S. - Taraiya, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : Mr. Pramod Kumar Singh, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-09-2024 Heard Mr. Jeetendra Narayan, learned Advocate for the petitioner and Mr. Pramod Kumar Singh, learned Advocate for the State.

2. The petitioner by invoking the jurisdiction of this



Court seeking a direction upon the respondents to remove the brick/concrete platform constructed by the side of the pond situated over the *raiyati* land of the petitioner at Revenue Village- Chhapiya (Chhapiya Naya Tola), Revenue Thana No.200, Khata No.1031, Plot/Survey No.4065 (Part), Jamabandi No.141 which is said to have been illegally constructed by the respondent without there being any consent of the petitioner or acquisition of the land.

3. Learned Advocate for the petitioner contended that the land, in question, was purchased through the registered sale deed No.1175 and 1176 from Tribhuwan Narayan Singh. Having purchased the land, the mutation have been made in the name of the petitioner and his brother in Mutation Case No.276 of 2004-05. A *jamabandi* has also been created and coming in the name of the petitioner; while the petitioner has been coming in possession of the land, in question, he came to know that vide letter No.120 dated 13.01.2023, the respondent No.14 directed the respondent No.9 to make available certain land for execution of local area development scheme under the recommendation of the Minister of Parliament. The name of the scheme is shown to be construction of a Ghat upon a land bearing Khata No.2031 Survey No.4065 under Village-Chhapiya Naya Tola in Block of



Isuapur, Saran. The petitioner also came to know that the aforesaid scheme was approved by the government. Despite the protest being made by the petitioner, the respondent authorities, especially the respondent No.14 has made construction over the land of the petitioner.

4. Being aggrieved by the aforesaid facts, the petitioner has made representations before all the authorities to remove the construction from his land but the same has not been done, compelling him to approach before this Court.

5. Learned Advocate for the petitioner drawing the attention to Annexure-P/8 submitted that the Executive Engineer-Cum-Public Information Officer also informed that the land belongs to the petitioner and only 5 Decimal of the Govt. land falls under Khata No.1031, Survey No.4065, however, without making any measurement of the same, the construction is being made over the *raiya* land of the petitioner. In order to resolve the dispute, the petitioner also approached before the Circle Officer and deposited the adequate fee for measurement of the land but the same has not been done till date.

6. Learned Advocate for the State countering the aforesaid submission urged before this Court that the Circle Officer would be the competent authority to look into the



grievance of the petitioner and after making proper measurement of the land, in question, necessary order shall be passed.

7. Having heard the contention of the learned Advocate for the respective parties and considering the nature of grievance, this Court deems it fit and proper to dispose of the writ petition with a direction to the Circle Officer, Isuapur, Saran (Respondent No.9) to consider the claim of the petitioner, if adequate fee has already been paid by the petitioner, get the land measured and pass appropriate order. Suffice it to say so that if any construction have been made over the *raiyati* land of the petitioner, either the petitioner be paid adequate compensation or it must be removed in accordance with law.

8. The entire exercise must be completed within three months from the date/receipt of this order.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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