

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16442 of 2024

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Rachna Kumari W/o Sanjeet Kumar @ Sanjeet Kumar Singh Resident of Vivek Vihar, P.S.- Nagar, District- Samastipur, Permanent Address- W/o- Sanjeet Kumar Singh, R/o Village- Kumhira, P.S.- Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The S.D.O., Samastipur Sadar, Samastipur.
5. The Circle Officer, Samastipur Sadar, Samastipur.
6. The Municipal Commissioner, Samastipur Municipal Corporation, Dist.- Samastipur.
7. The Officer Incharge Town Police Station, Dist.- Samastipur.
8. Dr. Shabnam Gupta, W/o Dr. R.N. Singh Resident of Vivek Vihar, P.S.- Nagar, Dist.- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Murari, Adv.
For the Respondent/s	:	Mr.Santosh Chandra Bhaskar, AC to GP 11
For the Corporation	:	Mr.Prince Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-10-2024

In the instant writ petition, petitioner has prayed for the following reliefs :

“For issuance of appropriate writ/direction/orders to the respondents for measurement of the Land of the petitioner bearing bearing Mauza Karimabad, Thana No. 179, Khata No. 102, Khesra No. 803, Ara 4.4 decimal, District- Samastipur for which



application has already been submitted by the petitioner and further direction to allow the petitioner for construction over his own land property which is being interrupted by the Respondent No. 8.”

2. Learned counsel for the petitioner submits that petitioner purchased a land property vide sale deed dated 25.03.2015 bearing Mauza-Karimabad, Thana No. 179, Khata No. 102, Khesra No. 803, Area 4.4 decimal, District-Samastipur. The said land was registered in her name in revenue records vide order dated 11.12.2017 in Mutation Case No. 3815/17-18 and rent receipt was issued by the Revenue Karmachari in the name of petitioner after payment of rent. It is submitted that in the month of April, 2024, respondent no. 8 raised objection with the petitioner and disputed the construction work. In this regard, husband of the petitioner submitted representation dated 22.04.2024 before respondent no. 6 and thereafter a proceeding under section 144 Cr.P.C. was initiated by the S.D.O., Samastipur and direction was given by S.D.O., Samastipur for measurement of the land for settlement of the dispute. It is submitted that petitioner is making construction over her land and respondent no. 8 is creating dispute. Petitioner has applied for measurement of the land by the official Amin and deposited the required fee for the official



Amin on 31.08.2024. The Circle Officer, Samastipur Sadar vide memo no. 2322 dated 04.09.2024 fixed the date of measurement on 10.09.2024 and directed the parties to remain present on that date but respondent no. 8, with ulterior motive, did not appear on that date and measurement could not be done. Learned counsel submits that the sole grievance of the petitioner is for measurement of the land in question.

3. Learned counsel for the State submits that respondent no. 5 has clearly given direction for measurement of the land in question but one of the parties did not turn-up on the date fixed for measurement. Petitioner has no grievance on the action of the Circle Officer. Learned counsel submits that if petitioner has any grievance, she can put up the same before the authority concerned for measurement of the land in question. He submits that petitioner has directly rushed to this Court for redressal of her grievance without approaching the authority concerned and, hence, the present writ is not maintainable.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioner to approach the authority concerned for redressal of his grievance, which has been thrust upon by the petitioner in the



present writ petition, within a period of four weeks from the date of receipt of a copy of this order. The concerned authority is directed to take appropriate action, expeditiously, as per law.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.10.2024
Transmission Date	

