

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17949 of 2023

Nilam Devi Wife of Ramdeni Sahni, Resident of Ward No. 10, Village-Kawalpur, P.O.- Turkaulia, Anchal-Turkaulia, P.S.- Turkaulia, East Champaran (Motihari), Bihar- 845437.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Chairman cum Member, Board of Revenue, Bihar, Patna.
4. The Officer on Special Duty, Board of Revenue, Bihar, Patna.
5. The Collector, East Champaran (Motihari).
6. The Additional Collector, East Champaran (Motihari).
7. The Deputy Collector Land Reforms, East Champaran (Motihari).
8. The Superintendent of Police, East Champaran (Motihari).
9. The Officer incharge Turkaulia, Motihari (East Champaran).
10. The Circle Officer, Turkaulia, Motihari (East Champaran).
11. The Incharge Medical Officer, Public Health Centre, Turkaulia, Motihari (East Champaran), Motihari.
12. The District Welfare Officer, East Champaran, Motihari.
13. The Manager, Bettiah Raj Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish, Advocate
For the Respondent/s : Mr.Sarvesh Kumar Singh (AAG- 13)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. (i) For issuance of writ in the
nature of Mandamus directing /
respondents to stop the illegal digging
work for illegal construction/ extension*



of Public Health Centre at Turkauliya upon Khata No. 658, Khesra No. 1238, area 3 katha equivalent to the area 19.834 decimal situated at Mauza Turkaulia, Thana No. 100, Anchal Turkauliya, District-Motihari (East Champaran) had been earlier settled by Bettiah Estate under the Court of wards in the year 1935 to one Mushar Mallah (ancestor of the petitioner) upon which the petitioner was living with her family and all of a sudden she has been dispossessed by the Circle Officer, Turkauliya by demolishing her dwelling house from 'JCB' without issuing notice to the petitioner/without hearing opportunity given to her since Jamabandi No. 17 was earlier running in the name of Mushar Mallah and all the work has been done/started by the concern respondents without taking "No objection certificate" from Bettiah Estate under Court of wards.

(ii) For further directing the concern respondents to take immediate proper lawful action upon the memo no. 326 dated 07.10.2023 issued by the Manager Bettiah Raj Bettiah (respondent no. 13) to the Circle



Officer, Turkauliya with regard to illegal construction is being made upon the land in question along with other land on the basis of "No Objection Certificate" illegally issued by the Circle Officer, Turkauliya, East Champaran, Motihari vide its letter no. 297 dated 24.05.2023 under the influence of local political leader while all the properties of Bettiah Raj Estate are under Court of wards and its Patron (SANRAKSHAK) is Chairman-cum- Member Board of Revenue, Bihar, Patna).

(iii) For also directing the respondents to take immediate lawful action upon the representation filed by the petitioner dated 13.10.2023 who is being unnecessary humiliated and harassed by the concerned respondents who are under influence of local political leaders.

(iv) For the writ petitioner also prays before this Hon'ble Court to award heavy cost to the concerned erring District/Block Officials and also to award severe punishment for their unconstitutional unlawful act done under the influence of local impressive



political leader by forcibly dispossessing the lady petitioner from the land in question upon which the house of the petitioner was situated and has been illegally demolished it from "JCB" by the concerned respondents even lodging an F.I.R. against the lady petitioner for her no fault."

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, East Champaran at Motihari, for redressal of her aforesaid grievances. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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