

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19435 of 2024

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Shashank Balwant Mishra son of Balwant Mishra resident of village - Riga,
PS - Riga, District Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Sitamarhi
5. The Superintendent of Police, Sitamarhi
6. The District Forest Officer, Sitamarhi
7. The Deputy Development Commissioner, Sitamarhi
8. The SDM, Sitamarhi Sadar, Sitamarhi
9. The BDO, Dumra, Sitamarhi
10. The Programme Officer (MANREGA), Sitamarhi
11. The Circle Officer, Dumra, Sitamarhi
12. The SHO, Punaura PS, Sitamarhi
13. Anita Devi, Mukhiya, Gram Panchayat - Khairwa, wife of Surendra Sah, resident of village Maniyari, Block Dumra, Sitamarhi
14. Meenu Devi, Sarpanch, Gram Panchayat Khairwa, wife of Vishwanath Rai, resident of village - Maniyari, Block - Dumra, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate Mr. Ashish Kumar Ranjan, Advocate Mr. Vikash Kumar Jha, Advocate Ms. Anita Kumari, Advocate
For the Respondent/s	:	Mr. Subhash Chandra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner, Mr. Ashhar Mustafa and the learned SC-16, Mr. Subhash Chandra Mishra.

2. Learned counsel for the petitioner submits that mother of the petitioner namely, Kiran Devi purchased land



pertaining to *Khata* No. 282, *Khesra* No. 1700, *Thana* No. 253, area 22.5 decimal at village Maniyari., Block Dumra, District Sitamarhi from Radhakant Thakur and Pravin Kumar Thakur sons of late Harikant Thakur vide registered Sale Deed No. 1227 dated 22.10.2001 (Annexure-1).

3. It is next submitted that the boundary of the purchased land as per recital in the sale deed dated 22.12.2001 is North – *Raasta Chaur ka*, South- “*Samsan Parti*”, East- “*Nij Kharidar*”, West- “*Ram Janki Zamin*”. It is next submitted that the land west of the purchased plot is in the name of one, Sahdev Sah.

4. The learned counsel next submits that the mother of the petitioner also purchased land pertaining to *Khata* No. 282, *Khesra* No. 1700, *Thana* No. 253, area 4.5 vide another sale deed vide another Sale Deed No. 46 dated 03.09.2002, it is submitted that this plot is adjacent to the plot purchased vide Sale Deed No. 1227 dated 22.12.2001.

5. The learned counsel next submits that both purchased land were mutated in the name of the mother of the petitioner and *Jamabandi* No. 523 was created and accordingly, rent receipts were issued (Annexure-2).

6. It is next submitted that the land are in peaceful



possession of the petitioner and his family members, in the year 2017, local Mukhiya, Sarpanch, their husband along with antisocial elements started the work of filling soil under *MANREGA* Scheme at the western end of the above purchased plots with an intent to carve out *Raasta* from the private plot of the petitioner. The petitioner accordingly, filed representation before the *MANREGA* Officer and the local police station but then no action was taken, hence, a complaint was filed before the Sub-Divisional Public Grievance Redressal Office, Sitamarhi (Annexure-3 series).

7. The learned counsel submits that the complaint before the Sub-Divisional Public Grievance Redressal Officer, Sitamarhi was disposed of by an order dated 30.03.2017 (Annexure-4) with a direction to the Programme Officer to identify the erring *Rojgar Sewak* and to take appropriate action against him for having started the work of filling soil without inspection of the site, as such, the work stopped.

8. The learned counsel next submits that a Garbage Collection Center has been developed in south eastern direction in close proximity of the purchased plots of the petitioner and the Garbage Collection Center is to be inaugurated by the Hon'ble Chief Minister on 26.12.2024, hence, the main gate



fixed at the north western end of the plot of the petitioner was dismantled by the *Mukhiya* and *Sarpanch* in presence of the B.D.O. and other authorities on 13.12.2024, with an intent to carve out the *Raasta* from the private plot of the petitioner. It is next submitted that the work of fixing paver blocks has started from 18.12.2024 on the private plot of the petitioner, as date of inauguration is nearing, as would manifest from the photographs (Annexure-5 series). It is further submitted that *Raasta* is being carved out between the plot of the petitioner and another private plot marked in the name of *Ram Janki*, when there is no *Raasta* between the plot of the petitioner and the plot marked in the name of *Ram Janki* as would manifest from the Government map and self-drawn map by the petitioner (Annexure-6).

9. It is next submitted that the petitioner accordingly represented before the District Magistrate, Sitamarhi, A.D.M., Sitamarhi and other officers (Annexure-7 series) raising his grievance with respect to the relief prayed in the instant writ petition, but then officials are not interested in redressing the grievance of the petitioner in the wake of the visit of the Hon'ble Chief Minister.

10. The learned counsel for the petitioner submits that it absolutely does not stand to reason that how the authorities



even without seeking consent of the petitioner are using his private land for creating *Raasta* for the visit of Hon'ble Chief Minister. It is further submitted that the petitioner as a resident of the district would never want to create embarrassment to the Hon'ble Chief Minister but then, the manner in which the authorities are trying to bulldoze the petitioner by utilizing his land for the purpose of creating *Raasta* for the visit of the Hon'ble Chief Minister cannot be countenanced.

11. It is further submitted that the petitioner realizes that earlier also an attempt was made to create *Raasta* from his private land but on orders of the Sub-Divisional Public Grievance Redressal Officer as recorded hereinabove the work was stopped, the authorities now in garb of the visit of the Hon'ble Chief Minister are again trying to usurp the property of the petitioner by creating *Raasta* in the name that the same would be used by the Hon'ble Chief Minister for visiting the Garbage Collection Center. It is next submitted that once the *Raasta* will be created that will create problems for the petitioner as he will not be in a position to ask the villagers not to use the *Raasta* on his private land.

12. The learned counsel appearing on behalf of the State submits that if what has been submitted by the learned



counsel appearing on behalf of the petitioner is true, in that event, the writ application is fit to be allowed but then, seeks time for filing counter affidavit. The Court is not inclined to grant time to the State to file counter affidavit.

13. The petitioner has already represented before the District Magistrate, Sitamarhi by his representation sent through e-mail dated 14.12.2024 as would manifest from Annexure-7 series at page-41.

14. The District Magistrate, Sitamarhi is directed to dispose of the representation of the petitioner dated 14.12.2024 sent on his e-mail prior to 26.12.2024 by a reasoned order. It is further made clear that if it is found that private land of the petitioner has been used for creating *Raasta* by putting paver blocks, in that event, the Collector shall take appropriate action against the erring officials.

15. The writ application is disposed of.

16. Let a copy of this order be communicated to the District Magistrate, Sitamarhi.

(Satyavrat Verma, J)

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