

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6063 of 2022

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Swastika Banerjee Daughter of Late Siddeshwar Mukherje Resident of At-
25A, Rajendra Lal Street, Beadon Street S.O., Police Station- Beadon Street,
District- Kolkata, West Bengal- 700026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Higher Education, Education Department, Govt. of Bihar,
Patna.
5. The Collector, East Champaran at Motihari.
6. The Block Development Officer, Block- Madhuban, District- East
Champaran.
7. The Circle Officer, Madhuban Circle District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Respondent/s : Md. Khurshid Alam (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 08-05-2025

In the instant petition, petitioner seeks following

relief(s):-

*(i) For directing the
respondents to remove the illegal
building of a school namely
Rajkiyakrit high school (+2),
Madhuban, East Chamapran having
been constructed over 1 Bigha of the
raiya land of the petitioner
appertaining to Thana No. 32, Tauji
No. 491 Khata No. 2 Khesra No. 278
total area 2 Bigha 2 Katha 13 dhur,
Mauja Bishunpur Tara, Anchal*



Madhuban without getting either the necessary consent from the petitioner or acquiring the same through due process of law since the land in question is in the name of Shourendra Mukherjee S/o Bisheshar Mukherjee who died issueless leaving behind petitioner and other co-sharer.

(ii) Also for directing the respondent to initiate acquisition proceeding in respect of land in question if the respondent need to utilize the same and consequently make payment of compensation amount to the petitioner in due course of law.

(iii) And for any other relief(s) for which the petitioner is found to be entitled in view of the facts and circumstances of the case.

2. Learned counsel for the petitioner submits that the land appertaining to Mauja – Bishunpur Tara, Thana No. 32, Khata No. 02, Tauzi No. 491, Kheshra No. 278 area 2 Bigha 2 Kattha 13 dhur was purchased through registered sale deed dated 28.09.1962 in the name of one Shourendra Mukherjee (brother of the petitioner) and thereafter his name was mutated in the revenue record, as contained in Annexure 1 (series). He further submits that said Shourendra Mukherjee died issueless leaving behind his legal heir including the present petitioner on account of which the land in question came in share of the



petitioner and, thereafter, she is in peaceful possession of the said land. He further submits that petitioner made an application for demarcation of the plot in question before Respondent No. 7 - the Circle Officer, Madhuban Circle District- East Champaran vide Demarcation Case No. 01 of 2019-20 in which the plot in question was demarcated and the proceeding of the said case was disposed of vide order dated 07.04.2019 on the basis of the measurement report as well as Najari Map dated 07.04.2019 issued by Anchal Amin, Madhuban, as contained in Annexure – 2 (series). He further submits that on 06.01.2020 petitioner has given representation before the Respondent No. 7 - the Circle Officer, Madhuban Circle District- East Champaran for removal of illegal encroachment over the raiyati land of the petitioner but no action has been taken up til now. Hence, the present writ petition.

3. Learned counsel for the State submits that if the petitioner represents his grievance afresh before the competent authority / Respondent No. 7 - the Circle Officer, Madhuban Circle District- East Champaran, the competent authority may look into the matter.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of the parties, the



instant writ petition stands disposed of with liberty to the petitioner to represent his grievance afresh before the competent authority / Respondent No. 7 - the Circle Officer, Madhuban Circle District- East Champaran with all the relevant documents which has been annexed in present writ petition within a period of four weeks from the date of receipt of this order. If petitioner represents his grievance within the stipulated period, the competent authority shall pass appropriate order, in accordance with law, expeditiously, preferably within four months from the date of filing of his representation, after giving due opportunity of hearing to the parties concerned and considering all the necessary documents with respect to the land in question.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.05.2025.
Transmission Date	N/A

