

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.688 of 2025
In
Civil Writ Jurisdiction Case No.21043 of 2018

1. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna
2. The District Magistrate, Banka
3. The Sub-Divisional Officer, Banka
4. The Block Development Officer, Bousi, District-Banka
5. The Circle Officer, Bounsi, District Banka.

... .. Appellant/s

Versus

1. Balram Kapri, Son of Late Sahdeo Kapri, Resident of Village-Durgapur, Police Station-Bounsi, District-Banka
2. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
4. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna
5. The Director, Consolidation, Consolidation Directorate, Budha Marg, Government of Bihar, Patna
6. The Deputy Director, Consolidation, Bhagalpur
7. The Chief Engineer, Rural Works Department, Government of Bihar, Patna
8. The Superintendent of Police, Banka
9. The District Land Acquisition Officer, Banka
10. The Executive Engineer, Rural Works Department, Work Division-Banka, District-Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, AG Mr. Ajay, GA-5
For Respondent No.1	:	Mr. Shambhu Sharan Singh, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 09-07-2025 We have heard Mr. P.K. Shahi, the learned

Advocate General, assisted by Mr. Ajay, GA-5 and Mr.

Shambhu Sharan Singh, the learned Advocate for respondent



No. 1.

2. The land of the writ petitioner appertaining to *Chak Khata* No. 62, *Plot* No. 50, *Revisional Survey* No. 75, *Plot* Nos. 85, 125 and *Khata* No. CS(Old) 12, *Plot* No. 39 situated at *Mauja* Durgapur, *Thana* 415 could not be measured on the appointed date.

3. The contention of the writ petitioner before the learned Single Judge was that if at all measurement was done, it was behind the back of the writ petitioner.

4. Considering this aspect of the matter, by the impugned order dated 02.07.2025 passed in CWJC No. 21043 of 2018, the learned Single Judge directed that the land be measured in presence of the writ petitioner or his representatives and the District Magistrate, Banka as also the Circle Officer, Bounsi, who shall be personally present along with the writ petitioner or his representatives and the measurement and demarcation shall be carried out in their presence.

5. The learned Advocate General states that there is no difficulty in another measurement in front of government officials for lending finality to such measurement process.



However, the direction to the District Magistrate, Banka to remain personally present at the spot only for measurement, which might take more than a day, is not justified nor is it required in the circumstances of the case.

6. We agree wholly with this argument and find that this direction, viz., of the District Magistrate being personally present to oversee the measurement process, requires to be modified.

7. This appeal also has been filed for such limited relief.

8. Considering the entire aspect of the matter, we modify the order dated 02.07.2025 to the extent that it shall not be necessary for the District Magistrate, Banka to be personally present at the time of measurement. Rest of the directions in the impugned order shall be followed to the letter and spirit.

9. The appeal stands disposed off accordingly.

(Ashutosh Kumar, ACJ)

Rajesh/Saurabh

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(Partha Sarthy, J)

