

(2019) 12 PAT CK 0163

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 25206 Of 2019

Ramjit Ray And Ors

APPELLANT

Vs

State Of Bihar Through Principal Secretary And Ors

RESPONDENT

Date of Decision : 17-12-2019

Acts Referred:

Citation : (2019) 12 PAT CK 0163

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Dr. Kumar Binode Bariar, Ravesh Kumar Shrivastav

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioners and learned AC to GP 15 for the State.

2. The petitioners have moved the Court for the following relief:

"That this application is being filed for issuance of writ in the nature of certiorari for quashing (a) the notice vide memo no. 689 dated 20.09.19 by which the petitioners have been asked to be present on 27.09.19 for measurement with regard to Mauza-Bagahi, Thana No. 145, Khata No. 82, Khesara No. 943, measuring 9 Katha & 8 Dhur land. (b) For quashing notice vide letter no. 706 dated 25.09.19 served upon each of the petitioners by which they have been asked to appear before the office of the Circle Officer, Taraiya, Saran on 30.09.19 to produce document regarding their claim over the land appertaining to Khata no. 143, Survey no. 649, measuring 2 bigha, 9katha, 10 dhur."

3. From the pleadings and materials on record, it is clear that challenge is to the notice asking the petitioners to be present for measurement of their lands.

4. The Court does not find any infirmity in the same. The person who is on the land, is obliged to show to the authorities the basis for such occupation and, thus, a notice for measurement and for showing the basis of his possession in

law, is in accordance with law.

5. Learned counsel for the petitioners submitted that they have been living on the land since it has also been settled with them.

6. Learned counsel for the State submitted that if the petitioners dispute the claim of the authorities, then only remedy available is to move the Civil Court of competent jurisdiction to decide their right, title, interest and possession over the land.

7. Faced with the situation, learned counsel for the petitioners submitted that the application be disposed off with liberty to move before the Civil Court in the matter.

8. Having regard to the aforesaid, the application stands disposed off with liberty aforesaid. If the petitioners move before and ask for interim protection from the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.