

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15032 of 2025

Sunil Kumar Singh, Son of Late Shivshankar Singh, Resident of Village-
Madhoul, P.O- Ambrak, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner Tirhut Division, Muzaffarpur.
2. The District Magistrate, Muzaffarpur.
3. The Additional Collector, Muzaffarpur.
4. The Sub-Divisional Officer, (West) Muzaffarpur.
5. The Deputy Collector Land Reforms, (West) Muzaffarpur.
6. The Block Development Officer, Kudhani, Muzaffarpur.
7. The Circle Officer, Kudhani, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Respondent/s : Mr. P.K.Shahi, A.G.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 03-11-2025

Heard learned counsel for the parties.

2. Following reliefs are sought for in the present writ
petition:

“For issuance of a writ preferably in the nature of mandamus commanding and directing upon the concerned respondents not to construct building of Dr. Bhim Raw Ambedkar School in the land of crematorium situated in Mauza- Jagdishpur, P.S.- Kudhani, District- Muzaffarpur appertaining to Thana No.255. Khata No. 273. Khesra No.327 which is being use as a funeral rites for several



years by the local people.

(ii) To direct the District Magistrate, Muzaffarpur to take appropriate legal action against Revenue Staff Anchal Amin and Anchal Adhikari who has submitted wrong report with respect to land in question that no which is crematorium.

(iii) To direct the respondents to allow the public as large to use the abovementioned land further funeral rites.

(iv) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Mr. P.K.Shahi, learned Advocate General appearing for the State, pointed out that a physical verification of the land in question was made and the said report dated 29.10.2024 is at page 24 of the writ petition. Further, at page 25 is the Khatiyan of the land. Report dated 29.10.2024 is extracted hereinbelow:

"अभिलेख उपस्थापित ।

आम सूचना का तामिला प्राप्त । किन्ही के द्वारा निर्धारित तिथि तक कोई आपत्ति नहीं की गई है। राजस्व कर्मचारी, अंचल अमीन एवं राजस्व अधिकारी ने प्रतिवेदित किया है कि वर्तमान में डॉ भीमराव अम्बेदकर विद्यालय (720 आसन) भवन निर्माण हेतु दी गई भूमि परती है। यह भूमि अतिक्रमण मुक्त है। साथ ही राजस्व कर्मचारी ने यह भी प्रतिवेदित किया है कि उक्त भूमि मठ , मंदिर मस्जिद, देव स्थान, सैरात, श्मशान, धार्मिक न्यास, अतिक्रमण, नदी, नाला, आहार, पाईन, आदि जल स्रोत एवं स्वत्व वाद आदि से मुक्त है। ग्राम सभा से उक्त भूमि पर डॉ भीमराव अम्बेदकर विद्यालय (720 आसन) के निर्माण हेतु अनापत्ति प्राप्त है । स्वयं स्थल निरीक्षण किया । स्थल पर किसी प्रकार का कोई आपत्ति नहीं किया गया है ।

उक्त के आलोक में 10 रु प्रति एकड़ अलावे शेष की दर से लगान निर्धारण करते हुए निःशुल्क अंतर्विभागीय स्थानांतरण की अनुशांसा की जाती है । लगान देश होगा । अभिलेख के साथ



खतियान की सच्ची प्रतिलिपि तीन प्रतियों में , चेक स्लीप तीन प्रतियों में, ट्रेस नक्सा तीन प्रतियों में, दस सूत्री तीन प्रतियों में एवं आम सूचना की प्रति के साथ आम सभा की अनापति संलग्न है। अग्रेतर कार्रवाई हेतु सुधार उप समाहर्ता, पश्चिम, मुजफ्फरपुर को भेजे ।"

4. From perusal of both the documents, it is apparent that the land in question is not a cremation ground. A specific statement has been made in report that no cremation activity is being carried out on the said land. The Khatiyān, placed at page 25 of the writ petition, also does not indicate the land being recorded as a cremation ground. Furthermore, the site in question has been approved by the Gram Sabha for construction of Dr. B.R.Ambedkar School, for which no objection has been made.

5. As such, we find no merit in this writ petition. Accordingly, the same is dismissed.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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