

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4594 of 1995

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Shrimati Raj Kumari Devi, daughter of Lakshmi Ram, decd. And W/o –
Rama Shankar Prasad, Resident of Buxar Town New Chowk Buxar,
P.S. – Buxar Town District – Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector and District Magistrate of the District – Buxar at Buxar.
3. Deputy Development Commissioner, Buxar.
4. The Executive Engineer, Path Pramandal (P.W.D.) Buxar at Buxar.
5. Junior Engineer, Path Pramandal (P.W.D.) Buxar at Buxar.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 07-05-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition was ostensibly filed by the
petitioner claiming upon certain agricultural lands of him on which
State is unauthorizedly constructing public road. There are several
counter affidavits and also intervention application. By one of the
order passed in these proceedings, this court had directed Sri
Jagarnath Jha who was Government Pleader as well and appearing
in this case to go to the site along with the learned counsel for the
petitioner and file a report, if possible, with a solution. The report is
on record which belies the stand of the petitioner inasmuch as the
claim of the petitioner is that it is agricultural land and is in his
possession but the same is not found to be correct. However, learned

counsel for the petitioner asserts that those lands had been decreed to him in a suit. On the other hand, the District Administration, Buxar, and the Interveners have pointed out that a representative suit on behalf of the public in terms of Order 1 Rule 8 of the Code of Civil Procedure has been filed. State has also filed a suit for setting aside the judgment and decree obtained allegedly ex parte by the petitioner in respect of the said land.

3. Having considered the matter, in my view, there being serious disputes with regard to right, title and interest in the land and litigation pending before the civil court, it would not be proper for this Court to pass any order at this stage. The result would follow the result of the suits. It would be the civil court who will examine the evidences and decide the question of right, title and interest dependent thereon would be the right and the claim of the petitioner. Thus, it would not be proper for this Court to issue any writ on the averments made as aforesaid.

4. With the aforesaid observation, this writ application is disposed of.

(Navaniti Prasad Singh, J.)

Rajeev/-

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