

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19096 of 2010

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Satandar Kumar Singh S/O Late Mandeo Singh, R/O Vill.- Babhan Balia,
P.O.- Dharmapura, P.S.- Daudpur, Distt.- Saran At Chapra

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Secretary, Rural Works Department, Bihar, Patna
 3. The District Magistrate, Saran at Chapra
 4. The District Land Acquisition Officer, Saran at Chapra
 5. The Sub Divisional Officer, Saran, Chapra
 6. The Circle Officer, Manjhi Block, Saran at Chapra
 7. The Engineer In Chief Rural Works Department, Bihar, Patna
 8. The Executive Engineer, Division-2, Rural Works Department, Chapra
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 24-08-2015 Heard the parties.

The claim raised on behalf of the petitioner with respect to the lands under dispute is based on disputed question of fact. Admittedly, for almost identical reliefs the petitioner had approached this Court earlier in C.W.J.C. No. 6319 of 2009, which was disposed of on 04.12.2009 with a direction to the Secretary, Rural Works Department, Bihar, Patna, to consider the grievances of the petitioner.

In view of the aforesaid order, the matter was considered by the Principal Secretary, Rural Works Department, Bihar, Patna and he, by his impugned order dated 08.09.2010 (Annexure-5), has come to a conclusion that the public road over the land in question is existing for the last 70-75 years. Aforesaid conclusion arrived at by the Principal Secretary, Rural Works Department, Bihar, Patna, is being disputed by the learned counsel appearing on behalf of the petitioner.

In above view of the matter, the claim is based on a disputed question of facts, which can be appropriately decided in a civil suit by the competent civil court on the basis of evidence/ materials produced by the parties.

In the result, the writ petition has to fail and is, accordingly, dismissed.

However, the petitioner, if so advised, may approach the civil court of competent jurisdiction for grant of appropriate reliefs.

(Birendra Prasad Verma, J)

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