

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10180 of 2014

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1. Raj Laxmi W/o Manoj Kumar Paswan
2. Raja Ram Paswan S/o Late Ram Naresh Paswan
3. Madhusudan Kumar Azad S/o Late Ram Naresh Paswan
4. Ghanshyam Murari S/o Late Ram Naresh Paswan All resident of Village-
Baghi, P.S- Muffasil, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Begusarai Municipality through its Executive Officer, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.
For the Respondent/s : Mr. M.K. Mishra, G.P.25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-09-2015 Heard Mr. Arun Kumar Singh learned counsel for the

petitioners and Mr. Rajesh Kumar Sinha, A.C. to G.P.5 for the

State.

The petitioner seeks a direction in the nature of mandamus
to the authorities of the municipalities to provide a 12 ft. road to
the petitioners for their ingress and egress.

It is the case of the petitioners that he purchased a piece of
land from its title holder namely Anand Sah bearing Khata No.1
Khesra No.638 falling within the Begusarai Municipal Area at
Baghi, Shanti Sah Chowk, Pachamba Nagdah Road, P.S.-Lohia
Nagar, falling in Ward No.11 of the Begusarai Municipality

through a registered sale deed. It is the case of the petitioners that although the vendor undertook to provide a 8 ft. wide road for easy passage of the petitioners but he has not done so rather has encroached on the land. It is the complaint of the petitioners that the vendor has retracted from his promise made in the sale deed.

I have heard learned counsel for the parties. The dispute so raised by the petitioner is a private dispute in between the petitioners and their vendor as regarding easementory rights which is being claimed on the basis of the sale deeds present at Annexure-1. The petitioners seek to enforce the terms and conditions of the sale deed through the present writ petition but in my opinion the appropriate remedy for the petitioners would lie before the court of competent civil jurisdiction.

The writ petition is thus disposed of with liberty to the petitioners to take recourse to the appropriate civil law remedy so available to them in law.

(Jyoti Saran, J)

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