

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12538 of 2010

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1. Smt.Rekha Devi W/O Sri Brahama Nand Jha R/O Mauje Husainpur
Tole-Satlakha, P.S.Rahika, Distt- Madhubani

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate Madhubani
3. The Superintendent Of Police Madhubani
4. The Sub Divisional Magistrate Madhubani
5. Circle Officer Rajnagar, Distt-Madhubani
6. Officer Incharge Rajnagar, P.S.& Distt-Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gopal Jha

For the Respondent/s : AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

15 24-08-2015 Heard the counsel for the petitioner and AC to AAG-6 for the State.

This writ application has been filed on the premise that the land purchased by the petitioner through sale deed dated 28.4.2009 (Annexure-1) contained a dwelling house which was allegedly demolished by the State respondent. The petitioner has therefore prayed for payment of compensation etc. for such demolition. In none of the paragraphs of the writ application it has been categorically stated by the petitioner that after purchase

construction of the house/dwelling house was made by the petitioner which was demolished by the respondents.

The respondents in the connected writ application have filed a supplementary counter affidavit, a copy whereof, has been handed in for perusal of the court as permitted under order dated 19.8.2015. The stand of the respondents is that survey plot no 1222 in which the petitioner claims right title and possession contains a Pathway and in possession of Sri 108 Ram Janki Thakurji. The people at large use the path way to go for worship etc. According to the respondents, no construction thereon existed which was allegedly demolished. The respondents have also disputed the right title and interest of the petitioner over the subject land by virtue of the sale deed which was executed in favour of the writ petitioner by Nayak Brothers in 2009.

A dispute like this, in view of the pleadings on record, cannot be gone in writ jurisdiction. From the own showing of the petitioner certain proceedings under Sections 107 and 144 of the Cr.P.C. are pending in the Court. The petitioner has also stated that she has ventilated her grievance before the District Magistrate of the District. In my view, the petitioner may be permitted to pursue her representation for consideration and disposal in accordance with law by the concerned District

Magistrate and/or institute appropriate proceeding in the competent Court of law for the relief.

(Kishore Kumar Mandal, J)

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