

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19443 of 2010

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Dr. Surendra S/O Late Ram Saran Rai, R/O Vill.- Deokulidham, P.S.-
Biraul, Distt.- Darbhanga, Presently Residing At 36/1001, Nri Complex,
Sector-56, Nerul, Navi Mumbai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary to Govt. of Bihar, Rural Works Department,
Baily Road, Bihar, Patna
3. The Executive Engineer Rural Works Division, Benipur, Distt.-
Darbhanga
4. The District Magistrate, Darbhanga
5. Anchal Adhikari, Biraul, Distt.- Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Respondent/s : Mr. Gyan Prakash Ojha, GP-22
For the Intervenor : Mr. Sushil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-02-2015 Heard the parties.

The claim raised on behalf of the petitioner with respect to construction of road over a plot of land bearing khata no. 599, Khesra No. 1576 area 1.66 acre is based on a disputed question of fact of right and title of the writ petitioner vis a vis intervenor respondent- Lal Bahadur Rai, son of Late Akshay Kumar Rai. Therefore, no writ can be issued in the present proceeding filed under Article 226 of the Constitution of India.

Learned G.P. 22 appearing on behalf of the respondents, by referring to the averments made in the counter-affidavit filed on behalf of the respondents, also submits that the land does not belong to the petitioner in view of the judicial pronouncement made by the learned civil court.

In above view of the matter, the writ petition seems to be completely misconceived and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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