

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17808 of 2010

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1. Sushil Kumar Singh S/O Sri Tapeswar Singh R/O Vill.- Sardiha, P.O.- Sardiha,
P.S.- Simri Bakhtiyarpur, Distt.- Saharsa

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Saharsa
3. Sub Divisional Magistrate, Simri Bakhtiyarpur, Distt.- Saharsa
4. Block Development Officer, Simri Bakhtiyarpur, Distt.- Saharsa
5. Programme Officer, Simri Bakhtiyarpur Block, Distt.- Saharsa
6. Mukhiya, Gram Panchayat Sardiha P.S.- Simri Bakhtiyarpur, Distt.- Saharsa

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhirendra Nath Jha

For the Respondents : Mr. (GA6)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 28-08-2015

Heard.

The writ application has been filed for a direction upon the respondents to restrain them from constructing the road over the land of the petitioner. The petitioner claimed title over the land appertaining to khata no. 369(new) 28(old), Khesra no. 693(old) 1057(new) measuring an area of 08 decimals (2 katha, 2dhurs).

A counter affidavit has been filed on behalf of the respondent Nos. 2,3,4 and 5. No rejoinder thereto has been filed by the petitioner.

Counsel for the State placed the counter affidavit in order to submit that the road has been reconstructed on pre-existing road on

Khesra nos. 783,134,135,136,137,696,697,698 and 700. A map has also been enclosed with the counter affidavit. The report of the Circle Officer (Annexure-C to the counter affidavit) clearly states that the road, as alleged, has not been constructed on the land/plot(s) of the petitioner.

Considering the statements made in the counter affidavit, this Court is inclined to reject the present writ application as it involves a disputed question of fact. If the petitioner is still aggrieved he may seek other appropriate remedy available in law.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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