

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.722 of 2014

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1. Kalyani Devi W/O Pramod Yadav Resident of Village- Masjid Road
Naugachia, P.S.- Naugachia, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhagalpur, Dist.- Bhagalpur
3. The Sub-Divisional Officer, Naugachia, District- Bhagalpur
4. The Superintendent of Police, Naugachia, District- Bhagalpur
5. The Circle Officer, Naugachia, District- Bhagalpur
6. Md. Sakur S/O Mahrnun Ansuddin Resident of Village- Ujami, P.S.-
Naugachia, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Adv.
For the Respondent/s : Mr. Anshuman Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-07-2015 Learned counsel for the parties are present.

The complaint of the petitioner is that the private respondent is illegally occupying his house situated over a land bearing Khesra No. 1394 (New 266), Khesra No.269 old (New 65) area 8.73 decimals in Mauza Manoharpur P.S. Naugachia in the district of Bhagalpur and is not vacating the same. Referring to a recommendation of the Superintendent of Police, Naugachia, present at Annexure-3 he submits that the grievance of the petitioner stands confirmed by the same.

Learned counsel for the petitioner with reference to the counter affidavit submits that although the grievance raised by the

petitioner is confirmed by the respondents but they have taken no steps for its redressal.

I have heard learned counsel for the parties and I have perused the records.

The petitioner may be correct in raising her grievance that her house is illegally occupied by the private respondent No.6 and there are documents also on record which support her stand as is manifest from the recommendation of the Superintendent of Police present at Annexure-3. However, even in such admitted circumstances, since no writ lies against a private individual hence the relief so prayed by this petitioner cannot be granted. The petitioner has his remedy under the civil laws of the land and if so advised she can take recourse to the same.

The writ petition is accordingly disposed of with liberty to the petitioner to avail of the remedy so available to her under the civil laws of the land.

(Jyoti Saran, J)

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