

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10137 of 2013

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1. Satyajiwan Son Of Late Narain Prasad Resident Of Hospital Road, Police Station - Forbesganj, District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Araria
3. The Executive Officer, Zila Parishad, Araria
4. The Sub - Divisional Officer, Forbesganj, District - Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s No.3- Zila Parishad : Mr. Dinesh Mahraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 12-02-2016

Heard the counsel for the respondent-Zila Parishad as well as the State.

Where the market of the Zila Parishad shall be constructed is an issue raised in the writ application.

The contention is that the market being constructed on the particular plot of land shall obstruct the easement right of the petitioner.

The counter affidavit has been filed on behalf of the respondent justifying the construction of the market stating that the petitioner has access to the main road. Such infringement of right to easement, if any, cannot be examined in the writ jurisdiction.

Mr. Ashok points out from the pleading, particularly, those

in paragraph 13 thereof that an application has been filed before the Sub-Divisional Magistrate for initiation of proceeding under Section 147 of the Code of Criminal Procedure.

The application stands disposed of permitting the petitioner to pursue the remedy which he has already sought before the Learned Sub-Divisional Magistrate in accordance with law.

(Kishore Kumar Mandal, J)

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