

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5310 of 2014

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1. Suchinta Sinha Wife of Sri Krishna Kumar Sinha Resident of Vishnupur, Piprahi, P.S. - Amnaur, District - Saran, At Present R/O , C/201, Maa Jageshwari Tower, Near Nalanda Medical College Main Gate, Main Road Kankarbagh, P.S. - Agamkuan District Patna
 2. Meera Sinha Wife of Jawahar Lal Sinha Resident of Village - Sultanganj, P.O. - Phulwaria, P.S. - Amnaur, District - Saran At Present R/O, C/O, 'Geetanjali' Near UCO Bank, Heerapur, L.C. Road, P.S. Sadar Dhanbad, District - Dhanbad Pin - 826001, (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Patna
2. General Manager, East Central Railway Diggikalan , Hajipur (Bihar)
3. Divisional Railway Manager, Danapur Division Office (East Central Railway) Danapur, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondents State : Mr. Dharendra Kumar, AC to AAG-6
For the Railways/Respondents 2 and 3 : Mr. Siddhartha Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-11-2016

Heard learned counsel for the parties.

The prayer in the writ petition is for a direction to the Railways to remove their pillar from the plot which is claimed to be purchased by the petitioners.

The Court is of the considered opinion that such matter cannot be decided in a writ petition for the reason that it would necessarily require adjudication on facts, after adducing evidence, as to whether the plot on which the Railways has erected the pillar, if any, belongs to the Railways or the writ petitioners, which can be

more appropriately done by a civil Court of competent jurisdiction.

In view of the aforesaid, the writ petition stands disposed off.

However, the petitioners will be at liberty to get the issue resolved by approaching the civil Court of competent jurisdiction for a declaration in their favour, in accordance with law, and consequential relief(s).

(Ahsanuddin Amanullah, J)

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