

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.578 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

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1. Sakur Ahmad, Son of Late Umrao Mian.
 2. Md. Salim Son of Late Habib
 3. Md. Abbas Son of Late Pir Mohammad
 4. Md. Kalim son of Late Md. Shamim
 5. Md. Moinuddin Son of Late Md. Gaffur

All are residents of village Bihat Guruhaspur, Pir Asthan, Police Station Barauni in the district of Begusarai.

.... Petitioners

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Home Secretary, Government of Bihar, Patna.
3. District Magistrate, Begusarai.
4. The Senior Superintendent of Police, Begusarai.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Akhileshwr Prasad Singh, Sr. Advocate.
Mr. Bimal Kumar, Advocate.

For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG-12.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 24-11-2016

The petitioner has invoked the criminal writ jurisdiction of this Court for issuance of writ of mandamus for installing boundary wall along with kabristan over plot nos. 5729 and 5730.

From the counter affidavit, it transpires that there are disputes regarding property in question. Still further, I find that the criminal writ jurisdiction cannot be invoked for construction of a boundary wall. The criminal writ jurisdiction is in respect of life and property of an individual and not for a direction to raise construction

over the plot.

Consequently, the present writ application is dismissed with liberty to the petitioner to avail such other remedy as the petitioner may choose to avail.

(Hemant Gupta, ACJ)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.11.2016
Transmission Date	29.11.2016