

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.747 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

Subodh Kumar Singh, son of Harakhdeo Singh, Resident of Mohalla- Gandhi Ashram opposite Piyush Hotel, P.S.- Hajipur Town, Dist- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Vaishali at Hajipur.
3. The Sub-Divisional Magistrate, Vaishali at Hajipur.
4. The Executive Officer, Vaishali at Hajipur. (Official Resp. 1st Set).
5. Navin Kumar Sinha
6. Sajjan Kumar Sinha
7. Dinesh Kumar Sinha
8. Rajan Kumar Sinha
Resp. No.5 to 7 are sons of Late Dharmnath Srivastava (Private Resp. 2nd Set)
9. Sushil Kumar Sinha
10. Sudhir Kumar Sinha
Resp. No.9 to 10 are sons of Late Pandey Dharmnath Prasad Resident of Mohalla- Gandhi Ashram opposite Piyush Hotel, P.S.- Hajipur Town, Dist- Vaishali. (Private Resp. 3rd Set)

.... Respondents

Appearance:

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 14-09-2016

The petitioner has filed a petition under Section 147 Cr.P.C. claiming right of passage for use of his land.

The jurisdiction under Section 147 Cr.P.C. can be invoked if a dispute is likely to cause a breach of peace regarding any alleged right of user of any land.

Since 2001, there is no instance regarding breach of peace. The right of passage gives rise to civil rights. Therefore, I do

not find any merit in the present petition. Accordingly, the petition is dismissed.

The petitioner can seek appropriate remedy from an appropriate forum in accordance with law. Hence, in a criminal writ petition, this Court cannot decide disputed question of civil nature.

(Hemant Gupta, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.09.2016
Transmission Date	N.A.