

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15368 of 2013

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1. Omesh Chandra Roy Son Of Late Ram Baran Roy Resident Of Village -
Jamunia, P.S. - Parbatta, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Rural Development Department, Government Of Bihar, Patna
3. The District Magistrate, Bhagalpur
4. The Sub-Divisional Officer, Naugachhia, P.S. - Naugachhia, District - Bhagalpur
5. The Circle Officer, Naugachhia Anchal, P.S. - Naugachhia, District - Bhagalpur
6. The S.H.O. , Parbatta Police Station, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SANJEEV KUMAR

For the Respondent/s : Mr. SHASHI BHUSHAN KR.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 28-03-2016

Heard Mr. Sanjeev Kumar for the petitioner and A.C. to S.C.-1
for the State. A counter affidavit on behalf of the respondent nos. 3 to
5 has been filed. No rejoinder thereto has been filed on behalf of the
petitioner.

Describing the details of the land in paragraph 3, it has been
submitted that they have been used by the respondents for
construction of PCC road. There is government land adjoining thereto
which ought to have been utilized for construction of the road.
However, from the pleadings made in the writ application except what
has been stated in paragraph no. 1, there is no specific pleading about
dispossession of the petitioner from the land by the respondents in
construction of the PCC road.

In the counter affidavit, the respondents have stated that the land of the writ petitioner has not been encroached or utilized in the construction of PCC road. The land was measured by the Anchal Amin. In paragraph 12 of the counter affidavit, similar statement has been made. Counsel for the petitioner, however, submits that the measurement of land was not made/done in presence of the petitioner.

Be that as it may, considering the deficient pleadings in the writ petition and the specific reply of the State respondents, I do not find it a case where the writ jurisdiction can be invoked.

The application is dismissed. Dismissal of this application, however, shall not preclude the petitioner from ventilating his grievance, if any, before the appropriate Forum/authority in accordance with law.

(Kishore Kumar Mandal, J)

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