

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8291 of 2016

Prof. Pragya Prasad D/o Late E. Ramesh Nanda Prasad, resident of Vasundhara Complex, Ward no.-6, Near N.H. 106, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.

.... Petitioner

Versus

1. The State of Bihar represented through the Chief Secretary, Bihar.
2. The District Magistrate, Madhepura
3. The Sub- Divisional Magistrate, Madhepura.
4. The Land Reforms Deputy Collector, Madhepura.
5. The Circle Officer, Madhepura.
6. The Executive Engineer, PWD Roads, Madhepura.
7. The Executive Engineer, National Highway Authority, Madhepura Division, Madhepura.
8. The Executive Officer, Nagar Parishad, Madhepura.
9. Dr. Kuleshwar Prasad Yadav S/o Late Shiv Prasad Mandal, resident of Ward No. 5, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.
10. Navin Kumar S/o Dr. Kuleshwar Prasad Yadav, resident of Ward No.5, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.
11. Komal Kumari W/o Navin Kumar resident of Ward No. 5, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.

.... Respondents

Appearance :

For the Petitioner : Mr. Vivekanand Prasad Singh, Advocate
For the State : M/s S. Raza Ahmad- AAG 9
Vishwambhar Prasad, AC to AAG IX

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-07-2016

Heard learned counsel for the petitioner and the State.

Through this writ application the petitioner seeks direction to the respondents to remove wall constructed by the private respondents on a public street.

It is contended that in continuous khatiya the land has been described as *Anawad Bihar Sarkar Parti* land. However, at the same time admittedly there was a title suit filed by the private respondents against the aforesaid entry in which State of Bihar was also a party and a decree has been obtained by the private respondents holding that the land belongs to them.

In such a situation, in present proceeding this nature of dispute cannot be settled by this Court. However, the petitioner would be at liberty to take any remedial step which would be available to her under law.

It has been pointed out that a proceeding under Section 147 Cr.P.C. is going on but is pending even after a lapse of two years. Learned counsel has appended one of the orders passed in such proceeding as Annexure 6.

In such a situation this writ application is being disposed of, without going into the merit of the case of the parties, with a direction to the Sub Divisional Officer, Madhepura to dispose of the Misc. Case No. 572/2014 on its own merit and in accordance with law after granting reasonable opportunity to all the concerned

including the private respondents within a period of three months from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2016
Transmission Date	NA