

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10395 of 2010**

**With**  
**Interlocutory Application No. 4310 of 2015**

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Ram Sagar Singh @ Ram Sagar Rai, S/O Late Bigu Singh, R/O Village  
Panapur Khurd, P.S. Kanti, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur, District - Muzaffarpur .
4. The Circle Officer, Circle Kanti, District- Muzaffarpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None

For the Respondent/s : Mr. S.Raza Ahmad, AAG IX

Mr.Vishwambhar Prasad, AC to AAG IX

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

9      28-06-2016

In the main writ petition, the petitioner has made a prayer for issuance of a direction to the respondent authorities for not constructing road on plot no. 449 of khata no. 79, area 30 decimals, situate at village Panapur Khurd, P.S.Kanti, District Muzaffarpur.

Now, I.A.No. 4310 of 2015 has been filed seeking amendment/modification in the prayer made on behalf of the petitioner in the writ petition. In paragraph no.4 it has been stated that in view of stay order passed by this Court, road has not been constructed over the lands in question i.e. over plot no. 449. However, in paragraph 6 of the aforesaid Interlocutory Application, the amendment sought for have been enumerated and now the petitioner is seeking a direction to the respondent authorities to acquire the lands in question and for payment of four times compensation to him by constructing a metal road over the lands in question.

Though, none appears on behalf of the petitioner in support of the present writ petition, but the learned AC to AAG IX, appearing on behalf of the respondents submits that the reliefs prayed for on behalf of the petitioner in the main writ petition viz-a-viz Interlocutory Application are quite conflicting to each other. He further submits that in paragraph 7 of the counter affidavit filed on behalf of the respondent nos. 3 and 4, right, title and possession of the petitioner over the lands in question have been specifically denied. It has further been asserted in the aforesaid counter affidavit that now the nature of the land has been changed and the lands in question is being used as public road by the general villagers. He has further pointed out that the averments made in the aforesaid counter affidavit have not been controverted by the writ petitioner by filing any rejoinder affidavit

From the facts noticed above, it is apparent that the reliefs sought for on behalf of the petitioner in the writ petition as also in the Interlocutory Application, are based on disputed question of facts, which cannot be appropriately adjudicated upon in a proceeding under Article 226 of the Constitution of India as for adjudication of such disputed issues evidences of the parties are required to be recorded.

In above view of the matter, the present writ petition is dismissed and I.A.No. 4310 of 2015 stands accordingly disposed of. However, liberty is granted to the petitioner to approach the civil court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands in question.

**(Birendra Prasad Verma, J)**

Tahir/-

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