

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10529 of 2013

Sharda Kumar Son Of Sri Ganesh Prasad Singh Resident Of Mohalla Lallu Pokhar,
Belan Bazar, P.S. - Kotwali Now Kasim Bazar, District - Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Munger
3. Sub Divisional Officer, Sadar Munger
4. The Executive Engineer Building Construction Department (P.W.D.) Munger
5. Executive Officer, Munger Municipal Corporation, Munger

.... Respondent/s

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 01-03-2016

Heard the counsel for the petitioner and SC-20 for the State.

On a consideration of the rival submissions it appears the petitioner wants to exercise his right of easement from the property/land purchased by his ancestor. The State respondent purchased part of the land which was used by the petitioner and some others for access to their house(s). When a boundary wall was being constructed by the State respondents the petitioner filed a writ petition vide CWJC No. 2583 of 2012. A bench of this Court, by order dated 25.09.2012 (Annexure-2), permitted the petitioner to approach the Sub Sub-Divisional Officer for enforcement of his right. The issue was raised before the Sub-Divisional Officer, who after obtaining the report and affording opportunity of hearing to both parties, disposed of the proceeding observing that the petitioner had alternative approach. The Sub-Divisional Officer also noted that the State respondent had left 6 ft. wide space for ingress/egress and constructed the boundary which was in addition to the alternative approach available to the petitioner on the rear side of the plot. The

said order is under challenge.

Indisputably, the order has been passed by the Sub-Divisional Officer in exercise of the power conferred on him under the Code of Criminal Procedure. If the petitioner is dissatisfied therewith, he may assail the same before the appropriate court/forum in accordance with law.

The writ application is disposed of with the said liberty.

(Kishore Kumar Mandal, J)

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