

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19888 of 2016

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Qurban Ahmad, the Secretary Panhar Masjid at Village- Panhar, P.S. Khodaganj,
District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Rural Development Department, Patna
3. The District Magistrate, Nalanda, District- Nalanda
4. The Land Reforms Deputy Collector, Hilsa, District- Nalanda
5. The Sub Divisional Officer, Hilsa, District- Nalanda
6. The Circle Officer, Anchal- Islampur, Police Station- Khodaganj, District- Nalanda
7. Karu Chaudhary, son of Darshan Chaudhary, resident of Village- Panhar, P.S. Khodaganj, Distt. Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Respondent/s : Mr. Ajay, G.A.-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

Inter alia contending that land bearing Khata No. 267, Plot No. 756, area 1.09 acre situated at Mauza- Panhar, Anchal- Islampur, District- Nalanda, as recorded in Annexure-A, is a Kabristan and Karu Chaudhary, son of Darshan Choudhary, resident of the Village, is using the land as his private land based on certain orders issued by the Consolidation Officer, this writ petition has been filed seeking removal of construction of a boundary wall and protection of the Kabristan in question.

2. From the petitioner's own showing from Paragraph 9



onwards, it is seen that the land has been settled by the Consolidation Officer in the name of Karu Choudhary, son of Darshan Chaudhary and it is seen that there is a dispute with regard to the land in question. It is a factual dispute and, therefore, indulgence into the matter in a petition under Article 226 of the Constitution exercising our extraordinary jurisdiction under Article 226 is not called for. Petitioner should file a suit, stake his claim and seek injunction in the matter where all questions of dispute as are available can be resolved by inquiry into the factual aspect of the matter.

3. Accordingly, granting the aforesaid liberty to the petitioner, finding no case made out for indulgence in the peculiar facts and circumstances, this petition under Article 226 of the Constitution is disposed of accordingly.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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