

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.334 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 15569 of 2015**

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Satyadeo Thakur, Son of late Brahmdeo Misar, resident of Village Kabela P.S.
Parbatta, District Khagaria.

.... Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Khagaria
3. The Sub Divisional Magistrate, Gogri Dist- Khagaria
4. The Circle Officer, Parbatta, P.S. Parbatta, Dist. Khagaria
5. The District Education Officer, Khagaria
6. The Head Master Middle School cum Utkramit High School Kabela P.S.
Parbatta, District- Khagaria

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Uma Shankar Prasad, Sr. Advocate Mr. Dineshwar Prasad Singh, Advocate Mr. Kamla Kant Tiwari, Advocate.
For the State	:	Mr. M. Nasrul Hoda Khan, S.C. 1 Mr. Babita Kumari, A.C. to S.C. 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-03-2017

Seeking exception to an order dated 15.01.2016 passed
by the learned Writ Court in C.W.J.C. No. 15569 of 2015 dismissing
a writ petition filed by the writ-petitioner, this appeal has been filed
under Clause 10 of the Letters Patent.

2. The writ petition in question was filed in the matter
of interfering with peaceful possession of the writ-petitioner
pertaining to certain land bearing Khata No. 134, Plot No. 428, area 1



Bigha situated in Mauza- Kabala in District- Khagaria. The learned Writ Court took note of various aspects of the matter, the counter affidavit filed and found that it is a disputed question of fact pertaining to land, its possession, ownership and based on the documents filed and the counter affidavit, placing reliance on a judgment of the Supreme Court in the case of **D.L.F. Housing Construction (P) Ltd. Vs. Delhi Municipal Corporation- A.I.R. 1976 Supreme Court 386** it has been held that it is not a fit case where various disputes on facts could be looked into in a petition under Article 226 of the Constitution of India instead, liberty was granted to the writ-petitioner to approach the Civil Court for declaration of right, title and possession.

3. Keeping in view the order passed by the learned Writ Court, we see no error in the same warranting consideration. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

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