

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.646 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 2297 of 2016**

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Rajo Devi, wife of Sidhnath Chaurasia, Resident of Mohalla - Shanti Nagar,
Maulabag, P.S. - Ara Town, District - Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Collector, Bhojpur, Ara.
3. The Sub - Divisional Officer, Bhojpur at Ara.
4. The Circle Officer, Ara, Sadar, Ara.
5. The Commissioner, Municipal Corporation, Bhojpur, Ara.
6. The Executive Officer, Ara Nagar Parishad, Ara.
7. The Superintendent of Police, Bhojpur, Ara.
8. The Officer - in - Charge of Ara, Town, Police Station - Ara.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anish Chandra Sinha, Advocate
Mr. Krishna Murari Rawt, Advocate
For Ara Mun.Corpn. : Mr. Bishwa Bibhuti Kumar Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 28-02-2017

The present Letters Patent Appeal is directed against an
order passed by a learned Single Bench of this Court on 04.02.2016
whereby the writ application filed by the appellant was dismissed.

The appellant claims to be purchaser of the property on
which she has constructed boundary wall. But, according to the
Municipality, the boundary wall is an encroachment on the public
land.



The fact remains that the boundary wall stands demolished by the Municipality. In view of the demolition of boundary wall, the appropriate remedy of the appellant is before the Civil Court to seek adjudication of disputed question as to whether the land over which the boundary wall was raised is her own land or is a public land. Such disputed question cannot be adjudicated upon in a writ application, more so, when it will not be appropriate to order for restoration of boundary wall without having a firm finding whether there is encroachment over the public land or not.

It shall be open to the appellant to seek her remedy before the appropriate forum in accordance with law.

The Letters Patent Appeal is, thus, disposed of with the liberty aforesaid.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.03.2017
Transmission Date	

