

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9286 of 2016

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1. Rakesh Kumar, aged about 32 years, S/o Late Chandrika Rai, resident of Jethuli, P.O.- Kachi Dargah, P.S. Fatuha, Dist- Patna.
 2. Umesh Rai, aged about 50 years, S/o Late Tetar Rai, resident of Jethuli, P.O.- Kachi Dargah, P.S. Fatuha, Dist- Patna.

.... Petitioner/s

Versus

1. The State of Bihar represented through Chief Secretary, State of Bihar, Old Secretariat Building, Patna.
2. District Magistrate, Patna,
3. D.C.L.R., Patna City,
4. C.O. Fatuha, (Patna),
5. Settlement Officer Baldeo Bhavan, Punai Chak, Patna.
6. Om Prakash Yadav, S/o Late Bhola Pd. Yadav, resident of Mohalla 15 (Kha), Begma Ki Haweli, P.S.- Khajekellan, Dist- Patna.
7. Smt. Sakuntla Sinha, W/o Sri Moti Lal Singh, resident of Village Mauzipur, P.O. Garho Chak, P.S.- Fatuha, Dist- Patna.
8. Moti Lal Singh, S/o Late Siya Saran Singh, resident of Village Mauzipur, P.O. Garho Chak, P.S.- Fatuha, Dist- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Sunil Kumar, AC to G.A.-12

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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: 16-02-2017

The present petition is for a direction to remove encroachment on the government land measuring 51 decimals in Thana No.2, Tauzi State of Bihar, Khata No.191, Cadastral Survey Plot No.221 (Part) situated at Mauza Mauzipur, P.S.- Fatuha, District Patna. It is also averred that such land is in possession of respondent nos. 6, 7 and 8.

It is alleged that 51 decimals of land was acquired by the



State for construction of Akash Vani Jethuli, Fatuha, Patna, but 11 decimals of land has been sold by respondent no. 8 in favour of respondent no.6.

Prima facie, the petitioner has raised disputed question of title in respect of the right of respondent no. 8 to sell the land to respondent no. 6. Such disputed question of title cannot be decided in exercise of writ jurisdiction and that too in public interest. The aggrieved parties are at liberty to avail remedy as may be available to them in accordance with law, but no directions are called for in the present writ application. The same is, thus, dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	17.02.2017
Transmission Date	

