

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 965 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- JEHANABAD

- =====
1. Afshan Khatoon, Widow of Md. Mushtaque Ahmad
 2. Irshad Mallick, Son of Late Md. Mushtaque Ahmad
 3. Shaishta Parveen, Daughter of Late Md. Mushtaque Ahmad
 4. Tashiya Parveen, Daughter of Late Md. Mushtaque Ahmad
 5. Manauwer Sultana, Daughter of Late Md. Mushtaque Ahmad
 6. Monazza Mallick, Daughter of Late Md. Mushtaque Ahmad
 7. Md. Faizan Mallick, son of Late Md. Mushtaque Ahmad, All resident of Village Irki, Police Station Jehanabad, District Jehanabad

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue Department Govt. of Bihar, Patna
2. Anjuman Rafahul Muslimin (Unregistered Society), Village Irki, Jehanabad through its Secretary, Aquil Ahmad, Son of Late Abdul Hamid, Resident of Village Irki, Post Office Jehanabad, Police Station Jehanabad, District Jehanabad
3. Aquil Ahmad, Son of Late Abdul Hamid
4. Mansoor Alam, Son of Late Abdul Rashid
5. Md. Rafi, Son of Tunu Mian
6. Irfan, Son of Late Moinuddin
7. Ali Imam Akhtar, Son of Late Zaki Imam
8. Md. Ehtesham, Son of Late Md. Ekram, Nos. 3 to 8 all resident of Village - Irki Post Office Jehanabad, Police Station Jehanabad, District Jehanabad

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Khatim Reza, Advocate

For the Respondents : Mr. Binita Sinha, G.P. 31

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-09-2017

Heard learned counsels for the parties.

The petitioners were second party in a proceeding initiated under Section 133 of the Code of Criminal Procedure for removal of nuisance from the public land. The opposite party nos. 2 to 8 were first party thereat.

By order dated 18.04.2008 passed in Case No.



1154M of 1993 vide Annexure-2, the learned Sub-Divisional Magistrate, Jehanabad held that Plot No. 597/1756, Area 6 decimals in village Irki, police station and district Jehanabad is a public land and ordered removal of nuisance from that land. Cr. Revision No. 37 of 2008/03/2010 filed against Annexure-2 was dismissed by the learned 1st Additional Sessions Judge, Jehanabad on 25.04.2015.

Submission of the learned counsel for the petitioners is that, in fact, 4 decimals of the said plot is the private land of the petitioners and only two decimals is public land.

This Court cannot enter into the appreciation of the evidence for interference with the impugned orders.

The petitioners are at liberty to file civil suit for redressal of their grievances.

With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	20.09.2017
Transmission Date	20.09.2017

