

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.561 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9991 of 2013**

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Rajesh Kumar Gupta son of Sri Satya Narayan Sah, resident of village- Nataya,
Police Station Kudra, District- Kaimur (Bhabhua)

.... Appellant

Versus

1. The State of Bihar.
 2. The District Magistrate, Kaimur (Bhabua).
 3. The Superintendent of Police, Kaimur.
 4. The Sub-Divisional Officer, Mohania District- Kaimur.
 5. Circle Officer, Kudra Block- Kudra, Police Station- Kudra, District- Kaimur (Bhabua).
 6. Kalika Chaubey, son of Ram Swaroop Chaubey, resident of village- Nataya, Police Station- Kudra, District- Kaimur.
 7. Sri Ram Chaubey, Son of Kalika Chaubey
 8. Rameshwar Chaubey Son of Kalika Chaubey
- Both resident of village- Nataya, Police Station- Kudra, District- Kaimur.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Vijay Anand, Advocate.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-07-2017

Heard counsel for the appellant.

Perused the order dated 03.11.2014 passed by the learned
Single Judge.

Learned Single Judge has rightly held that if a civil suit,
which is Title Suit No. 139 of 2011, has already been filed with regard
to the land in question then there may not be any occasion for a Writ



Court to issue a direction to remove encroachment on the ground of the land being a public road from which encroachment is required to be removed.

The parties will be well advised to take the title suit to its logical end.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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