

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2767 of 2017

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Suresh Prasad Singh @ Suresh Singh, Son of Late Raghunandan Singh, Resident of Village- Bandra, Police Station- Guraru, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Deputy Collector, Revenue & Land Reforms, Gaya.
4. The Sub-Divisional Officer, Tekari, District- Gaya.
5. The Circle Officer, Guraru, District- Gaya.

.... Respondent/s

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Appearance:

For the Petitioner: Mr. Ram Subhas Singh, Advocate.

For the Respondents-State: Mr. Ajay, GA 5 and
Mr. Patik Kumar Sinha, AC to GA 5.

For the Union of India: Ms. Nivedita Nirvikar, CGC.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

The grievance of the petitioner is that in the village in question a Kabristan is in existence and boundary wall is being constructed over the Kabristan and if the boundary wall is permitted to be constructed, it would hinder the passage of way to the villagers and would cause inconvenience to them. It is stated that representation in this regard to the District Magistrate, Gaya has already been submitted but he has not taken any action.

In this Public Interest Litigation, looking into the nature



of grievance it seems inconvenience to the petitioner is caused because of construction of boundary wall over the Kabristan. There is no statutory right available to the petitioner and there is no statutory right to have a way by prohibiting construction of boundary wall over the Kabristan. It is for the administration to look into the grievance of the petitioner and take a decision as permissible under law. The Collector is directed to look into the matter.

The application is accordingly disposed of.

(Rajendra Menon, CJ)

Dilip, AR.

(Sudhir Singh, J)

AFR/NAFR	NAFR
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