

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.508 of 2014
IN
Civil Writ Jurisdiction Case No. 18952 of 2013**

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Santosh Kumar Mishra Son Of Late Badri Das Mishra Resident Of Piparpanti
Road, P.S. Kasim Bazar, District - Munger

.... Appellant/s

Versus

1. The State Of Bihar
2. The District Magistrate, Munger
3. The Additional Collector, Munger
4. The District Khas Mahal Officer, Munger
5. Deputy Collector, Land Reforms, Munger, Sadar (Munger)
6. The Sub Divisional Officer, Munger Sadar, Munger
7. Sardar Mahendra Singh, Mantri Shri Guru Singh Sabha, Gurudwara, Prabandhak
Samiti, Munger

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajeev Kumar Verma, Sr. Advocate
Mr. Karuna Nath Sahay

For the Respondent/s : Mr. K.K.Jha, AAG 8
Mr Amish Kumar, AC to AAG 8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-03-2017

Heard counsel for the appellant and counsel for the
State. Also perused the order dated 21.2.2014, which is under
challenge in Letters Patent Appeal.

The order dated 18.6.2013 passed in encroachment case
was challenged in the writ application. After hearing the parties, the
writ application was dismissed by learned Single Judge on the ground
that he has two remedy. One, to file an appeal against the order, which



is appealable, or to file a suit for declaration and because of those remedies, the learned Single Judge refused to exercise discretion under Article 226 of the Constitution of India.

This Court does not find anything illegal with such a view having been taken by the learned Single Judge in not entertaining the writ or passing any direction or order on the dispute.

Since the order does not suffer from any infirmity, the Court would not like to interfere with the same. The appeal is dismissed. The appellant has freedom to choose his course of action as granted by the learned Single Judge.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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