

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1522 of 2013
IN
Civil Writ Jurisdiction Case No. 10180 of 2012**

- =====
1. Sheo Shankar Yadav, Son of Late Ram Prasad Yadav, Resident of Village - Narepur, P.S. Bachhawara, District - Begusarai
 2. Kamla Devi, Wife of Sri Hari Shankar Yadav, Resident of Village - Narepur, P.S. Bachhawara, District - Begusarai

.... Appellants

Versus

1. The State of Bihar
2. The Collector, Begusarai
3. The Block Development Officer, Begusarai
4. The Sub-Divisional Officer, Teghara, Begusarai
5. The Circle Officer, Bachhawara, Begusarai
6. The Block Development Officer, Bachhawara, Begusarai

.... Respondents

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Appearance :

For the Appellants : Mr. Hare Krishna Prasad, Advocate
For the State : Mr. S.S.P. Yadav, SC-14

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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: 01-03-2017

Heard counsel for the appellants and counsel for the
State.

Delay of 14 days in filing the appeal is condoned.

I.A. No. 8396 of 2013 is allowed. Matter is heard on
merits.

The learned Single Judge has dismissed the writ
application giving liberty to the appellants to move the appropriate
forum for redressal of grievances. Such a direction dated 03.04.2013



is under challenge in the present appeal.

Writ was filed by the appellants alleging that certain part of their raiyati land has been encroached for construction of school building, Nala and a road. The report of the Block Development Officer, Bachhawara is that there is no such encroachment and measurement was done in presence of the Anchal Amin and report was produced. Such a dispute cannot be decided under Article 226 of the Constitution, in fact, it will be in the interest of the petitioners, may be to file a suit and a petition for injunction for appropriate declaration.

No interference is warranted with the impugned order.
Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2017
Transmission Date	NA

