

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7572 of 2017

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1. Seema Devi, D/o Late Uma Thakur, R/o Village- Jognijaga, P.O.-
Briyarpur, P.S.- Sakara, District- Muzaffarpur, Presently residing at
Mohalla- Bela Chhapra, Barh Chauk, P.S.- Bela District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Sub Divisional Officer, East, Muzaffarpur.
5. The Circle Officer, Mushahari, Muzaffarpur.
6. The Thana-Incharge, Bela Thana, Muzaffarpur.
7. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
8. The Deputy Collector, Land Revenue, East, Muzaffarpur.
9. Ram Chandra Chaudhary, S/o Late Sakaldeo Chaudhary, R/o Mohalla-
Bela Chhapra, P.S.- Bela, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.

For the Respondent/s : Mr. S.C. Yadav- GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-06-2017 Heard learned counsel for the petitioner and learned
A.C. to G.P.-15.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from 6 feet wide public road, situated in front of land
appertaining to Khata No. 66, Plot No. 612, Khata No. 147 Plot
No. 610 and Khata No. 251 Plot No. 253, situated in Mohalla-Bela
Chhapra in the District of Muzaffarpur.

It is submitted by the learned counsel for the
petitioner that the land in question was being used by the public



but the same has been encroached by respondent no.9 by constructing a house, thereby, obstructing the ingress and egress of the petitioner and others.

Learned A.C. to G.P.-15 submits that from the material on record, it does not appear that the road in question is a public land and in the said circumstances, the present writ application is not maintainable. However, with regard to same issue, a proceeding under Section 147 of the Cr. P.C. is pending in the Court of Sub-divisional Officer, East Muzaffarpur.

Considering the nature of dispute and the pendency of the proceeding under Section 147 of the Code of Criminal Procedure, the issue cannot be resolved through a summary proceeding under provisions of Bihar Public Land Encroachment Act, as resolution of such issue requires leading of evidence.

In view of the disputed question of fact and the nature of land (public lane) in dispute, this Court is not inclined to interfere.

However, learned counsel for the petitioner confines his prayer to the extent for disposal of the representation submitted by the petitioner and others before the Sub-divisional Officer, East Muzaffarpur, as contained in Annexure-P8.

In the circumstances, the Sub-divisional Officer,



East Muzaffarpur, is directed to dispose of the representation of the petitioners dated 27.03.2017, as contained in Annexure-P8, if the same has already not been disposed of, preferably within a period of six weeks.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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