

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1067 of 2017

Prabha Devi, Wife of Late Arjun Kumar, Resident of Village- Shyampur,
P.S.- Sugouli, District- East Champaran (Motihari). At present residing at 202
A, Chandra Sharda Apartment, Near Hospito- India, Budha Colony, Patna.
... .. Petitioner

Versus

1. The State of Bihar, through the District Magistrate District East Champaran (Motihari).
 2. The Deputy Collector, Land Reforms, District- East Champaran (Motihari).
 3. The Sub-Divisional Officer, Sadar Motihari.
 4. The Circle Officer, Sugouli, District- East Champaran (Motihari).
 5. The Officer-in-Charge, P.S.- Sugouli, District- East Champaran (Motihari).
 6. Bhairo Rout, Son of Late Manai Rout.
 7. Surendra Rai, Son of Bhairo Rout.
 8. Ganga Rai, Son of Bhairo Rout.
 9. Gopal Rai, Son of Bhairo Rout.
 10. Brij Rai, Son of Surendra Rai.
 11. Sonelal Rai, Son of Surendra Rai. Sl. nos. 6 to 11 Residents of Village- Shyampur, P.S.- Sugouli, District- East Champaran (Motihari).
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.
For the Respondent/s : Mr. S.C.Yadav, GP-15

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2018 Heard Mr. Jitendra Kumar Giri, learned counsel for

the petitioner and learned AC to GP-15 for the respondent-State.

The present writ application has been filed for a direction to the Respondent Authorities to get the encroachment removed from the raiyati land of the petitioner, appertaining to Khata Nos. 46 and 11, Plot Nos. 453, 473, 474, 504, 501, 214 and 382, situated at Mauza Shyampur, P.S. Sugouli, District East Champaran, which has been encroached upon by the Private Respondent Nos. 06 to 11.

It is well settled law that through discretionary



jurisdiction under Article 226 of the Constitution of India, the issue with regard to title or possession cannot be resolved as it requires leading of evidence. Hence, the issue of disputed question of fact can only be resolved through a proper suit.

In the circumstances, the present writ application is disposed of with liberty to the petitioner to approach the appropriate forum for redressal of his grievance.

Amrendra/Deepak/-

(Dinesh Kumar Singh, J)

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