

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3588 of 2019

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Jaydev Sah, Son of late Ram Sajan Sah, resident of Galtoli, Mohiuddin Nagar,
P.O and P.S- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Revenue and Land Reforms Deptment, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Land Revenue, Govt. of Bihar, Patna.
3. Divisional Commissioner, Darbhanga.
4. District Magistrate, Samastipur.
5. Sub Divisional Officer, Patori, Samastipur.
6. Deputy Collector, Land Reforms, Patori, Samastipur.
7. Circle Officer, Mohiuddin Nagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Adv.
For the Respondent/s : AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

4 30-07-2019 The petitioner in public interest raises objection on the fencing work being carried by the respondents which according to the petitioner would effect their movements and obstruct their ingress and egress. According to the petitioner, the nature of land is public (Gair Mazarua Aam) and the petitioner and others have been using it as a public way since a century.

According to the respondents the land is a graveyard.

In the nature of the dispute which is raised by the writ petitioner as well as the other inhabitants of the village on the obstruction to their ingress/egress, for the present we allow the petitioner to raise the issue of easementary rights either before the Collector, Samastipur or the court of civil jurisdiction for resolving



the matter but in the nature of the disputed facts which is raised, we are not persuaded to grant indulgence to the prayer made in the writ petition, to issue any direction at this stage.

It goes without saying that any such grievance raised before the Collector cum District Magistrate, Samastipur, shall be considered and disposed of in accordance with law.

With the liberty above, we dispose of the writ petition.

(Jyoti Saran, J)

(Partha Sarthy, J)

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