

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9911 of 2019

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1. Rameshwar Prasad Yadav S/o Late Chandrika yadav Vill.- Tejpuruwa, P.O.- Madhaura, Distt.- Saran
 2. Kameshwar Prasad Yadav S/o Late Shivjanma Rai Vill.- Tejpuruwa, P.O.- Madhaura, Distt.- Saran

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Road Construction, Govt. of Bihar
2. The Principal Secretary Deptt. of Road Construction, Govt. of Bihar, Patna
3. Supertending Engineer Road Construction Deptt. Govt. of Bihar, Patna
4. Executive Engineer Road Construction Deptt. Road Division, Chapra at Saran
5. The Collector Saran at Chapra

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Sinha Mr. Arvind Kumar Sharma Mr. Chetan Kumar
For the Respondent/s	:	Mr. Rakesh Ranjan, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-05-2019 A counter affidavit has been filed on behalf of the State of Bihar, which is taken on record.

This application has been filed seeking direction to the respondents to release the land of the petitioners, which have been illegally encroached upon by the State respondents for the purpose of widening of a road. It is being argued that neither the State respondents have taken the land in question under the Bihar State Raiyati Lease Police, 2014, nor any amount of compensation has been paid to the petitioners against



acquisition of his land.

In the counter affidavit, certain dispute has been raised over the petitioners' claim. It has been stated that boundary mentioned in the khatiyā for the Plot No. 492, which the subject matter of the present case, is not found on the spot, rather the same matches with the Plot No. 493 of Khata No.801, which is recorded in the name of the District Board.

The nature of dispute, which the present writ application involves, cannot be adjudicated in a proceeding under Article 226 of the Constitution of India. The petitioners shall be at liberty to file a suit for adjudication of the said dispute in question.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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