

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25378 of 2019

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Nilesh Kumar @ Gulabji @ Nilesh Kumar Agrawal, aged about 48 years,
Gender- Male, Son of late Jagannath Prasad @ Jagarnnath Prasad, Resident of
Shivmandir, Registry Kachahari Road, P.S. Town, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal, Urban Development Department,
Government of Bihar, Patna.
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan.
4. The Sub- Divisional Officer, Siwan Sadar, Siwan.
5. The Officer-in-Charge, Siwan town, Siwan.
6. The Circle Officer, Siwan Sadar, Siwan.
7. Munni Devi, D/o Parmeshwar Prasad, W/o Birendra Prasad, aged about 42
years, Gender-Female, Resident of Mohalla- Laxmipur, Hanumant Nagar,
P.S. Town, District- Siwan.
8. Pawan Kumar aged not known to the petitioner, Gender-Male, Son of
Ganesh Paswan, Resident of Mohalla Sonar Toli, Siwan, P.S. Town, District-
Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha with Mr. Sushil Kumar Jha, Advocates
For the State	:	Mr. Kinkar Kumar, SC 9 with Mrs. Deepika Sharma, AC to SC 9

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 19-12-2019

Heard learned counsel for the petitioner and learned AC
to SC 9 for the State.



2. The petitioner has moved the Court for a direction to the District Magistrate, Siwan to get his house vacated from illegal possession of the respondent no. 7.

3. At the very outset, learned counsel for the State submitted that the petitioner wants the local administration to intervene and get the house of the petitioner vacated from the occupation of respondent no. 7, who is a private person. It was submitted that the same is impermissible as the law does not permit the District Authorities to intervene in the matter of eviction which order can be passed only by a Civil Court of competent jurisdiction in a properly constituted eviction suit.

4. The Court finds substance in the contention of learned counsel for the State.

5. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to avail the remedy available to him under law.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, for the relief prayed for in the present writ petition.



7. The Court would only observe that as the allegation is that the house/land transferred by the respondent no.7 in favour of the petitioner has been encroached upon by the respondent no.7 herself, if the petitioner moves before the Court concerned, the Court would ensure that the matter is taken to its logical conclusion expeditiously so that such blatant violation of the Rule of law is not permitted to continue.

(Ahsanuddin Amanullah, J.)

Ranjeet/Rahul

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