

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24977 of 2019

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Umesh Kumar Sah, S/o Tek Narayan Sah, Resident of Village- Kharagpur,
P.S.- Laukahi, District- Madhubani presently resident of Mohalla- Nirmali,
Ward No. 2, Nagar Panchayat, Nirmali P.S.- Nirmali, District- Supoul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, P.S. and District- Patna.
3. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, P.S and District- Patna.
4. The Collector, Supoul, P.S. and District- Supoul.
5. The Sub Divisional Officer, Nirmali, P.S.- Nirmali, District- Supoul.
6. The Executive Officer, Nagar Panchayat Nirmali, P.S.- Nirmali, District- Supoul.
7. The Circle Officer, Nirmali, P.S.- Nirmali, District- Supoul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-12-2019 Petitioner has prayed for the following relief:-

For commanding the respondents for
issuance of an appropriate writ(s), order(s)
or direction(s) specially respondent no.6 to
refrain from making any
construction/building appertaining to old
Khata no.291 part of old plot no491/3092
area 2 Kathas 10 dhurs as this small piece of
land is being used as Aam Rasta by the



residents of Ward No.2, of Nagar Panchayat,
Nirmali in the District of Supoul for last
several years.”

From the documents placed on record, it cannot be
said that the petitioner has indefeasible right of using the land
over which construction is being raised for a public purpose. As
such, we do not find any merit in the present petition and
dismiss the same reserving liberty to the petitioner to seek
appropriate remedy in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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