

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25442 of 2019

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Md. Zahid Khan Son of Late Abdul Rehman Khan Resident of Village- and Post Motipur, P.S. Rosera, District Samastipur (Bihar). Present address-AB-350 Krishna Basti, Nabi Karim Amarpuri, Pahar Ganj, Swami Ram, Tirth Nagar, Central Delhi, Delhi-110055.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate -Cum-Collector, Samastipur.
2. The Sub-Divisional Officer, Rosera Sub-Division, District-Samastipur.
3. The Circle Officer, Rosera Circle/Block, District Samastipur.
4. The S.H.O., Rosera Police Station, District-Samastipur.
5. Bindeshwari Gareri Son of Shivnandan Gareri Resident of Village-Motipur, Tole Chandrahari, P.S. Rosera District Samastipur.
6. Upendra Gareri @ Upendra Raut, Son of Late Nunu Ganeri Resident of Village-Motipur, Tole Chandrahari, P.S. Rosera District Samastipur.
7. Diwakar Das Son of Siyacharan Das. Resident of Village-Motipur, Tole Chandrahari, P.S. Rosera District Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
For the Respondent/s : Mr. Abhay Kumar Kashyap, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2019 Heard learned counsel for the parties.

The petitioner is seeking a direction restraining respondents no. 5 to 7 from continuing with the encroachment over the land of the mosque appertaining to Khata No. 169, Plot No. 1242, Thana No. 49 in Mauza Motipur admeasuring an area of 10 katha under the circle/ block Rosera in the district of Samastipur.

It does not appear that the land in question is a public



land. In such circumstance, this writ application cannot be maintained. Petitioner shall be at liberty to take recourse to appropriate provision of law for resolution of the dispute in question including by way of approaching civil court of competent jurisdiction by filing suit.

Application stands disposed of.

(Chakradhari Sharan Singh, J)

Rajesh/-

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