

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18706 of 2018

=====

Manish Kumar Son of Balram Prasad Singh resident of Mohalla- Rajapur
Pool, P.S. Krishnapuri, District-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The Home Secretary, Government of Bihar, Patna
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna
5. The Sub-Divisional Officer, Patna Sadar, Patna
6. The Circle Officer, Patna Circle, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar
For the Respondent/s : Mr.Manish Dhari Singh, AC to AG

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 25-02-2020 Heard learned counsel for the parties.

2. The petitioner is seeking direction to the
respondents to restore his possession over the land in question
having description Khesra No. 436 of Khata No. 26, Tauzi No.
5453, admeasuring 500.5 Sq. feet.

3. It is the petitioner's case that a boundary wall
raised by him has been demolished by the respondent Nos. 5
and 6 forcibly, treating the land to be a public land. It appears
that the said action has been taken in a duly constituted
proceeding under Section 133 of the Code of Criminal
Procedure, 1973 under the orders of the Sub-Divisional Officer,



Patna Sadar. The dispute as to whether the land in question is a private land or public road cannot be gone into a present proceeding under Article 226 of the Constitution of India.

4. In any view of the matter, the petitioner has not questioned the correctness of the order passed by the Sub-Divisional Officer under Section 133 of the Code of Criminal Procedure in appropriate proceeding which is the basis for impugned action.

5. This application is disposed of, for the aforesaid reason, with a liberty to the petitioner to approach appropriate forum for establishing his claim that the land in question is his private land.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

