

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17374 of 2018

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Kamu Prasad Alias Halwai Son of Late Ram Babu Gupta Resident of Village-
Horilganj Jehanabad Court Area, P.S. and District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector cum District Magistrate, Jehanabad, District Jehanabad
2. District Development Commissioner, Cum Chairman, Zila Parishad Jehanabad.
3. Land Reforms Dy. Collector Jehanabad.
4. Executive Officer. Nagar Parishad. Jehanabad.
5. Anchal Adhikari. Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha-1
For the Respondent/s : Mr.Subash Chandra Yadav- Gp15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-01-2020 A letter dated 04.07.2018, issued by the Executive Officer, Nagar Parishad, Jehanabad whereby the petitioner has been restrained from making construction over a public land in the nature of public road, has been put to challenge in the present writ application.

2. It appears from the impugned communication dated 04.07.2018 that the same has been issued on a complain received by one Ram Ishwar Yadav regarding construction over the land of Zila Parishad by the petitioner, thus, causing obstruction in movement over the public way.

3. Learned counsel appearing on behalf of the



petitioner has submitted that the petitioner has title over the land in question which was settled by the ex-landlord in 1941. He has also submitted that ever since the land was settled and *Hukumnama* was issued, the petitioner's family has been in occupation over the land in question.

4. The question as to whether the petitioner has title over the land in question cannot be gone into by this Court in a proceeding under Article 226 of the Constitution of India. It appears that the petitioner has himself taken recourse to Section 80 of the CPC by issuing a notice to the respondents.

5. It goes without saying that if the land in question is a public land and any person is making or has caused any encroachment, the same can be removed by the authorities in accordance with law. If the petitioner wants to establish his title and possession over the land in question, he will have to approach appropriate court of competent jurisdiction.

6. This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

Rajesh/-

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