

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3445 of 2023

=====

Md. Irshad S/o Late Jamil Akhtar, R/o Village- Keshopur, Ward No.- 10, P.S.- Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Muzaffarpur, at Muzaffarpur.
2. The Collector Muzaffarpur, at Muzaffarpur.
3. The Deputy Development Commissioner, Muzaffarpur.
4. The District Panchayati Raj Padadhikari, Muzaffarpur, at Muzaffarpur.
5. The Sub Divisional Officer (East), Muzaffarpur, at Muzaffarpur.
6. The Prakhand Panchayati Raj Padadhikari, Sakra, Dist.- Muzaffarpur.
7. The Anchaladhikari, Sakra, Dist.- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Dilip Kumar Roy, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC- 19)
		Mr.Birendra Pd. Singh, AC to SC-19

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-11-2023 Heard learned counsel for the petitioner and learned
A.C. to Standing Counsel – 19.

2. This writ application has been filed to direct the respondents to vacate the land over which the respondents have illegally constructed brick-built road and also to make payment of compensation for the same.

3. It is the contention of the petitioner that petitioner has purchased the land, bearing Khata No. 318, Chak No. 1238, RSP No. 2575, 2562, 2565, 2624, 2625, 2571, 2573 and 3507, area 2 katha 15 dhoors, situated in village – Keshopur, P.S.



Sakra, District Muzaffarpur from one Sri Kishori Prasad Singh, by virtue of registered sale-deed dated 15.11.1985 and the petitioner came in possession over the said purchased land. It is further contention of the petitioner that the respondents, in connivance with local Mukhiya, have encroached the portion of the petitioner's land by constructing brick-built road over it.

4. In this case, a counter affidavit has been filed on behalf of respondent no. 1 to 7 and in paragraph – 7 of the same, it is stated that as per the report of the Panchayat Secretary, the claim of the petitioner is wrong and incorrect. In paragraph – 8 of the counter affidavit, it is stated that the said road was constructed on the portion of Chak No. 1238, which is road in existence from before, and thereafter, the Circle Officer, vide Letter No. 669 dated 11.05.2023, intimated the Deputy Collector, I/c Revenue Office, Muzaffarpur and as such, the statement of the petitioner, made in the writ application, is absolutely wrong and incorrect. Further, in paragraph – 9 of the counter affidavit, it is stated that the Circle Officer, Sakra has clearly mentioned that in the north *chauhaddi*, public road is situated and petitioner's land is outside the said public road.

5. Having regard to the nature of dispute, raised by the petitioner, and on perusal of materials available on record, this



Court does not find any reason to pass favourable order in favour of the petitioner. It is clearly stated that respondents have not encroached the land of the petitioner.

6. In that view of the matter, this writ application is dismissed. However, before parting with this order, it is observed that the petitioner is at liberty to seek other remedy before the appropriate authority in accordance with law.

(Prabhat Kumar Singh, J)

Anay

U			
---	--	--	--

