

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7628 of 2016

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Ramotar Sahani Son of Late Talewar Sahani resident of village - Atarua,
Chaksadat, Ward No. 10, Panchayat Maheshpur, P.S. Anchal Bhagwanpur,
District - Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Divisional Commissioner, Munger Division, Munger
4. The District Magistrate, Begusarai
5. The Additional Collector, Begusarai
6. The Sub Divisional Magistrate, Teghra, Begusarai
7. The Deputy Collector Land Reforms, Teghra, Begusarai
8. The Circle officer, Bhagwanpur, Begusarai
9. The officer - In - Charge, Bhagwanpur Police Station hagwanpur, District - Begusarai
10. The Officer - In - Charge Teyay O.P. Bhagwanpur, Begusarai
11. Manoj Kumar Singh Son of Shiv Shankar Singh resident of village - Binodpur, P.S. Singhaut O.P. , Distt. - Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Jha
For the Respondent/s : Mr.Sc6- Manindra Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-03-2023 The present writ petition has been filed seeking the
following relief:-

“1. That this writ application is being filed for
issuance of the direction to the respondents to
stop the Construction of the boundary of
Quabristan of Atarus, Chaksadat, Ward no. 10
Panchayat Maheshpur under Bhagwanpur Circle
in the District-Begusarai, because the said



construction is being done in Public passage, which has been used by Public peacefully, uninterruptedly, Openly for long time to move the School, Anganbari Centre, agricultural field and to the bank of river.

This writ application is also being filed for removal of encroachment over the Public passage from the main road of village Atarua Chaksadat, ward no.10 the Bank of river.”

At the outset, the learned counsel for the Respondent-State has submitted that the grievances of the petitioner has already stood redressed as would be apparent from paragraphs no. 6 and 7 to the counter affidavit, filed on behalf of the Respondents No. 4 to 8, which are reproduced hereinbelow:-

“6. That the writ petitioner is not entitled to get reliefs as sought in Para No. 2 of the writ petition because the S.D.O., Teghra called meeting of the residents of the locality on the representation of the petitioner and others and in this meeting they unanimously decided that the construction of boundary wall of the Kabristan can be made after leaving 8 feet wide road for coming and going of the public and thereafter boundary wall has been constructed after leaving 8 feet wide road and in such view of the matter resident of the locality have no any problem of Rasta.

7. That none of the grounds as raised by the



writ petitioner are relevant in this matter because the S.D.O.. Teghra on the representation dated 21.03.2016 of the petitioner called meeting of the residents of this locality and in this meeting they unanimously decided that boundary wall of the Kabristan can be constructed after leaving the 8 feet passage as public way and thereafter after leaving 8 feet wide road boundary wall of the Kabristan has been constructed.”

In view of the aforesaid, the learned counsel for the petitioner submits that the petitioner be granted liberty to agitate his subsisting grievances, if any, by approaching the Respondent authorities. Liberty, so sought, is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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