

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4830 of 2020

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Md. Fahimuddin @ Md. Fahim Uddin S/o Late Md. Farid Uddin, resident of Village- Madudabad, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Magistrate, Patori, District- Samastipur.
4. The Land Reforms Deputy Collector, Patori, District- Samastipur.
5. The Circle Officer, Mohiuddin Nagar, District- Samastipur.
6. Sailendra Sahni @ Salendar Sahni S/o Buddhan Sahni resident of Village- Madudabad, P.S. Mohiuddin Nagar, District- Samastipur.
7. Ataur Rahman, S/o Late Md. Idris resident of Village- Madudabad, P.S. Mohiuddin Nagar, District- Samastipur.
8. Abdul Zabbar, S/o Late Md. Nazir Mian, resident of Village- Madudabad, P.S. Mohiuddin Nagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur
For the Respondent/s : Mr.Md.N.H.Khan (Sc1)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-10-2023 Heard the learned counsel for the parties.

2. This writ application has been filed for a direction to the respondent authorities to ensure the delivery of possession to the petitioner over the land in question presently measuring an area of 2 Kathas situated at Village- Madudabad under Circle Mohiuddin Nagar in the district of Samastipur.

3. It is the contention of the learned counsel for the petitioner that the said land has been encroached by the private



respondent nos. 6 to 8.

4. Per-contra, counsel for the State submitted that it is a purely civil dispute between private parties, which can not be adjudicated in writ jurisdiction.

5. Having regard to the nature of controversy raised by the parties, such disputes are required to adjudicated on facts and evidences. They cannot be decided just on affidavits. These are the matters which should be filed in regular civil proceeding. It is settled law that dispute between private parties relating to property rights cannot be effectively dealt with in writ jurisdiction.

6. The remedy of petitioner in the factual background of the present case lies in approaching civil court of competent jurisdiction for remedy of his grievances.

7. For the foregoing reasons, this writ petition stands accordingly dismissed.

(Prabhat Kumar Singh, J)

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