

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6228 of 2023**

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Shankar Chaudhary S/o Chanda Chaudhary, Resident of Village-Kadirganj,  
P.S.-Nawada, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. The District Magistrate, Nawada.
3. The Circle Officer, Nawada.
4. The Officer-in-Charge, Kadirganj O.P., District-Nawada.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Verma  
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      02-11-2023                      Heard the learned counsels for the parties.

2. This writ application has been filed for direction to the respondent nos. 2 to 4 to remove the illegal encroachment upon the raiyati land of the petitioner appertaining to Khata No. 353/1067, Plot No. 8667/3859, Mauza Kadirganj, area 2 decimal which has been encroached by the private respondents.

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

4. 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.

5. 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.

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

**(Prabhat Kumar Singh, J)**

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