

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8248 of 2023

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Ram Sagar Raman Son of Ram Dhani Yadav Resident of Ward No. 11
Barhwa near the Kanak Mandir P.S. Babubarhi District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary land Reforms and Revenue Department Government of Bihar, Patna.
2. The District Magistrate cum collector, Madhubani.
3. The Deputy Collector and land Reforms, Madhubani.
4. The Sub-Divisional Officer, Madhubani.
5. The Circle Officer Babubarhi, Babubarhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the petitioner has filed this writ petition directing the respondents to grant protection and not to disturb the possession of the petitioner over the land bearing Plot Nos. 1476, 1475/2757.

3. During argument, counsel submits that the *Zila Parishad* is constructing shade on the adjacent land and if the shade shall be constructed then the easementary right of the petitioner shall be disturbed. The petitioner is claiming his title on the land by virtue of a decision passed in Case No. 71 of

2008 under Section 106 of the Bihar Tenancy Act, 1885.

4. Counsel for the State opposes the writ petition and submits that Section 106 of the Bihar Tenancy Act, 1885 used to be filed for dispute relating to entries in the records of right and it is well said that records of right shall not create any title in favour of anyone. Counsel further submits that by virtue of the argument, it transpires that the writ petition has been filed for protection of the Easementary Right of the petitioner.

5. In the present facts and circumstances, it is made clear to the Court that the relief for which the writ petition has been filed, the remedy available to the petitioner to move before the competent court availing the rights available to him under Easement Act.

6. As such, the present writ application is hereby disposed of directing the petitioner to avail remedy before the appropriate forum.

(Dr. Anshuman, J.)

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