

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15166 of 2021

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Kapildeo Yadav, Son of Late Satyanarayan Yadav, Resident of Village- Baika,
P.S.- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The District Magistrate-Cum- Collector Darbhanga.
3. The Sub- Divisional Officer Sadar, Darbhanga.
4. The Land Reform Deputy Commissioner Darbhanga.
5. The Circle Officer Tardih, Darbhanga.
6. The Officer-in- charge, Sakatpur Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Jay Prakash Singh, Advocate
For the State	:	Mr. P.N. Shahi, AAG-6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-12-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for directing the respondents to remove the road which has been forcibly constructed on the raiyati land of the petitioner bearing Thana No. 372, Khata No. 273, Khesara No. 1772, Total Area- 2 decimal under Mauza- Baika, Anchal- Tardih, District- Darbhanga, without acquiring the land under the Land Acquisition Act or giving any notice to the petitioner.

3. A counter-affidavit has been filed on behalf of Respondent Nos. 2 to 5 stating therein that in view of the dispute over the land in question, no construction was made in



the concerned area of 62 meters of the land of the petitioner and as such the petitioner is not entitled to any relief from this court.

4. In the aforesaid facts and circumstances of the case, adjudication of the disputed question of fact cannot be decided in a writ jurisdiction under Article 226 of the Constitution of India. They can not be decided on affidavit. These are matters which can be effectively dealt with in a properly instituted proceeding or suit.

5. The remedy of the petitioner, in the factual background of the present case, lies in approaching a civil court of competent jurisdiction for redressal of his grievance.

6. This writ petition is accordingly disposed of.

(Prabhat Kumar Singh, J)

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