

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8046 of 2017**

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Chitradeo Poddar S/o Late Ram Khelawan Poddar, resident of Mohalla-Mianchak, Ward No.34, P.S.-Begusarai (Town), District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Begusarai.
3. The Sub-Divisional Magistrate, Begusarai.
4. The Circle Officer, Begusarai, District Begusarai.
5. The Station House Officer, Begusarai (Town) P.S., District Begusarai.
6. Kamli Sah S/o Late Ram Charitra Sah
7. Islam Mian S/o Late Yunus Mian.
8. Lakhan Laheri S/o Late Mishri Laheri  
All residents of Village-Mianchak, Ward No.34, P.S.-Begusarai (Town), District-Begusarai.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate  
For the Respondent/s : Mr. Kumar Vikram, AC to GA 4

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**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

2      25-11-2024                      This application has been filed for issuance of writ in the nature of Mandamus or any other appropriate writ, order or direction commanding and directing the respondent authorities to ensure the safe passage/ingress and egress of the petitioner and other members of his family from his residential house to the main road, connecting the north-eastern side of his residential house to the main road towards east, from causing hindrance at the hands of the private respondents.

2. Learned counsel for the petitioner submits that the connecting road which has been made unable to pass through



for the petitioner by dumping garbage and placing asbestos etc. by the private respondents is nothing but the part of the land of the petitioner being *Khesra* No.529 *Khata* No.199 *Thana* No.389 under Mouza - Mianchak, District – Begusarai whereupon the house of the petitioner is situated and a portion thereof has been encroached by the private respondents. He further submits that in the proceeding under Section 147 Cr.P.C. in Case No.63 of 2012 vide order dated 25.06.2016 the S.D.M., Begusarai Sadar disposed of the proceeding in view of the pending Title Suit in Civil Court filed on behalf of petitioner.

3. Learned counsel for the petitioner further submits that the petitioner preferred a suit being Title Suit No.18 of 2008 for declaration of his title over the land in question which is still pending for disposal before the learned trial Court.

4. In the counter affidavit filed on behalf of the State and its authorities (respondent nos.1 to 4), it is stated that Title Suit No.18 of 2008 is pending between the parties with respect to the land in question and the State authorities have no jurisdiction to pass such order in this regard which is subject matter of the Title Suit No.18 of 2008 between the parties which is pending.

5. It is admitted by the petitioner that with respect to



the land in question, the petitioner has preferred title suit before the Civil Court which is pending. In view whereof, this Court finds no merit in this writ petition which is, accordingly, dismissed.

**(Sunil Dutta Mishra, J)**

Harish/-

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