

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.384 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Satyendra Rai, Son of Late Saryug Singh, Resident of Village-Narauli, P.S.-
Salimpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Jagdamba Temple Trust Committee through its Secretary, Mauza
Gangapur Narauli, p.s.-Salimpur , District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 4 15-01-2024 1. The petitioner claims himself to be the owner of

Plot No. 1041 of Mauza – Gangapur Narauli within Police
Station - Salimpur (Thana No. 174), District – Patna. A four lane
highway is running from south to north through adjacent west of
the Plot No. 1041, owned by the petitioner. The Opposite Party
No. 2 is the Jagdamba Temple Trust Committee, represented
through its Secretary, Mauza - Gangapur Narauli, P.S. -
Salimpur, District – Patna.
2. The petitioner filed a proceeding under Section 133
of the Code of Criminal Procedure, alleging, *inter alia*, that the
Opposite Party No. 2 has been constructing a gate of Jagdamba
Temple, encroaching upon a portion of the public road in Plot



No. 1046. For the purpose of construction of the said gate, the trust Committee constructed 3 feet wide and 3 feet long pillar on both side of the petitioner's land, which caused obstruction in easy thoroughfare of the petitioner to his Plot No. 1041.

3. At the time of hearing, petition under Section 133 of the Cr.P.C. was converted to a petition under Section 147 of the Cr.P.C.

4. The learned Executive Magistrate perused the case and counter case of the parties as well as the report of the Officer Incharge of Salimpur Police Station and the sketch map, prepared by the Amin (Land Surveyor) of the local land and Land Revenue Department. The learned Magistrate came to the finding that the pillars of the gate of Jagdamba Temple are constructed on the public road. Therefore, there is no encroachment upon the petitioner's plot, i.e., Plot No. 1041.

5. It appears from the materials on record that the foundation of the pillars of the gate will be 3 feet x 3 feet. If a pillar is constructed on the government land, adjacent to Plot No. 1041, the petitioner should not have any objection against such construction. The learned Magistrate rightly held on perusal of the materials on record and the field report, submitted by the Amin (Land Surveyor) that the first party / petitioner will



have no obstruction in ingress and egress to his land bearing Plot No. 1041.

6. On perusal of the impugned order and entire materials on record, I do not find any irregularity or illegality in the impugned order.

7. Accordingly, the instant revision is dismissed on contest.

(Bibek Chaudhuri, J)

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