

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1351 of 2017

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Kamleshwar Tiwary S/o Late Nagnarayan Tiwary, R/o Mohalla- Tilkamanjhi,
P.S.- Tilkamanjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhagalpur.
3. The Circle Officer, Jagdishpur, District- Bhagalpur.
4. The Superintendent of Police, Bhagalpur.
5. The Incharge Tilkamanjhi, Police Station, District- Bhagalpur.
6. Anil Kumar Singh @ Bablu Singh,
7. Pappu Kumar Singh, both are S/o Late Tarkeshwar Singh, R/o Mohalla-
Tilkamanjhi, P.S.- Tilkamanjhi, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Adv.
For the Respondent/s : Mr.Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.(i) For issuance of direction to the authority concerned to remove the pucca wall constructed over the road/way, which is the only way (10 ft. wide & 25 ft. long) to approach the door of the petitioner, which has been constructed by the private respondent, in an unauthorized and illegal manner.

(ii) For a direction upon the authorities concerned (respondent no.3 to 5) to demolish the said wall constructed by the respondent no.6 & 7 with the help of police and unsocial elements.



(iii) For direction upon the authorities to take steps against the private respondents,”

2. At the outset, the learned counsel for the respondent-State has submitted by referring to paragraph no.6 of the counter affidavit filed in the present case that upon inquiry, it has been found that the aforesaid land in question is a private colony land and the petitioner, as also the private respondents are making claims and counter claims, hence disputed question of facts are involved in the present case, which cannot be decided in a writ petition under Article 226 of the Constitution of India and the same can only be decided by a Civil Court of competent jurisdiction.

3. Having regard to the aforesaid stand taken by the respondents in the present case, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Ld. Civil Court of competent jurisdiction, for redressal of his subsisting grievances, if any. Liberty so sought is granted.

4. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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