

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.456 of 2022

In
Civil Writ Jurisdiction Case No.190 of 2018

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Lakshman Das @ Laxman Das S/o Late Panchu Das Resident of Village-
Baksha, Police Station- Pothia, District- Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector, Kishanganj.
2. The Collector, Kishanganj.
3. The Additional Collector, Kishanganj.
4. The S.D.O., Kishanganj.
5. The Deputy Collector, Land Reforms, Sadar, Kishanganj.
6. The Circle Officer, Pothia, Kishanganj.
7. The Superintendent of Police, Kishanganj.
8. The Officer Incharge, Pothia, Kishanganj.
9. Md. Kasiruddin S/o Hurmat Ali Resident of Village- Chhattargachh Baksa,
Chhattargachhi, Police Station- Pothia, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dinesh Maharaj, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-07-2025

In the present LPA, appellant has assailed the order of
the learned Single Judge dated 19.07.2022 passed in CWJC No.
190 of 2018.

2. In order to appreciate grievance of the petitioner-Md.
Kasiruddin, it is necessary to reproduce the relief sought in



CWJC No. 190 of 2018 and it reads as under:-

“I. For issuance of a writ of mandamus or any other writ order or direction commanding the respondents to remove the encroachment made by one Laxman Das on the land of Kabristan (Muslim grave yard) and Madarsa at once.

II. For issuance of any other appropriate writ order or direction for providing protection & safety to the graveyard & Madarsa of village Baksa, Police Station- Pothia, District- Kishanganj from the hands of anti social elements/ encroachers by erecting boundari walls around the same under the Govt. Scheme provided for the same.

III. For other relief/ reliefs may be granted in favour of the petitioner as Your Lordships may deem fit and proper.”

3. The learned Single Judge has committed error in entertaining the writ petition, for the reason that it is a two individual party grievance which cannot be adjudicated by this Court under Article 226 of the Constitution of India.

4. The Hon’ble Supreme Court in the case of *Shalini Shyam Shetty and another Versus Rajendra Shankar Patil*, reported in *(2010) 8 Supreme Court Cases 329*, elaborately discussed to the extent that if there are any disputed issues involved among the two individuals-private parties, in that event, the writ petition is not maintainable under Article 226 of the Constitution of India.



5. The appellant has made out a case so as to interfere with the order of the learned Single Judge dated 19.07.2022 passed in CWJC No. 190 of 2018. Respective parties are permitted to invoke remedy before appropriate forum in filing suit. Time spent during pendency of the writ petition and LPA shall be taken into consideration by such forum under Section 14 of the Limitation Act, 1963 so as to condone the delay period.

6. With the above observation, the instant LPA stands disposed of.

7. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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