

(2017) 03 PAT CK 0075

In the Patna High Court

Case No : 508 of 2014

Santosh Kumar Mishra

APPELLANT

Vs

The State Of Bihar

RESPONDENT

Date of Decision : 22-03-2017

Acts Referred:

[3998](#) Constitution of India, [3998-226](#) Article 226 -
Power of High Courts to Issue certain writs

Citation : (2017) 03 PAT CK 0075

Hon'ble Judges : Ajay Kumar Tripathi, Nilu Agrawal

Bench : DIVISION BENCH

Advocate : Rajeev Kumar Verma, ?Karuna Nath Sahay, K.K.Jha, ?Amish Kumar

Final Decision : Dismissed

Judgement

1. Heard counsel for the appellant and counsel for the State. Also perused the order dated 21.2.2014, which is under challenge in Letters Patent Appeal.
2. The order dated 18.6.2013 passed in encroachment case was challenged in the writ application. After hearing the parties, the writ application was dismissed by learned Single Judge on the ground that he has two remedy. One, to file an appeal against the order, which is appealable, or to file a suit for declaration and because of those remedies, the learned Single Judge refused to exercise discretion under Article 226 of the Constitution of India.
3. This Court does not find anything illegal with such a view having been taken by the learned Single Judge in not

entertaining the writ or passing any direction or order on the dispute.

4. Since the order does not suffer from any infirmity, the Court would not like to interfere with the same. The appeal is dismissed. The appellant has freedom to choose his course of action as granted by the learned Single Judge.