

(2017) 03 PAT CK 0002

In the Patna High Court

Case No : 1522 of 2013

Sheo Shankar Yadav

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 01-03-2017

Acts Referred:

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

Citation : (2017) 03 PAT CK 0002

Hon'ble Judges : Ajay Kumar Tripathi, Nilu Agrawal

Bench : DIVISION BENCH

Advocate : Hare Krishna Prasad, S.S.P. Yadav

Final Decision : Dismissed

Judgement

1. Heard counsel for the appellants and counsel for the State.

2. Delay of 14 days in filing the appeal is condoned.

I.A. No. 8396 of 2013 is allowed. Matter is heard on merits.

3. The learned Single Judge has dismissed the writ application giving liberty to the appellants to move the appropriate forum for redressal of grievances. Such a direction dated 03.04.2013 is under challenge in the present appeal.

4. Writ was filed by the appellants alleging that certain part of their raiyati land has been encroached for construction of school building, Nala and a road. The report of the Block

Development Officer, Bachhawara is that there is no such encroachment and measurement was done in presence of the Anchal Amin and report was produced. Such a dispute cannot be decided under Article 226 of the Constitution, in fact, it will be in the interest of the petitioners, may be to file a suit and a petition for injunction for appropriate declaration.

5. No interference is warranted with the impugned order.

Appeal is dismissed.