

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5967-5968/2011

(From the judgement and order(s) dated 29-APR-11 in CRLM No. 11341/2001 and CRWJC No. 204/2001 of The HIGH COURT OF PATNA)

NAGENDRA PRASAD & ORS.

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and permission) CRLMP NO.15674-15675/2011 IS "FOR PERMISSION TO PALCE ON RECORD RECENT PHOTOGRAPHS"

Date: 23/08/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr.Gaurav Agrawal,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The grievance made by Mr. Gaurav Agrawal, the learned counsel for the petitioners is that while deciding the matter, the High Court had not taken into consideration the averments made in affidavit filed by Circle Officer, Dumra on behalf of respondent No.3 i.e. District Magistrate wherein following statements have been made -

"It is relevant to mention here is that a look at the same would reveal that the inhabitants having their houses on the vended plots of the Petitioner have no other way than that on the disputed land to step out of their houses to the

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main road. The reports annexed by the Petitioner are reports submitted without appreciating the fact that the so called alternative routes passed though the purchased residential pieces of other persons who have during the last few months, constructed boundary walls on their plots. The present position is that if the Petitioner who is also the vendor of the inhabitants who are claiming passage through the disputed land, is allowed erect a wall closing the passage of these inhabitants they would be doomed to live in houses closed from all sides."

In view of the above statement, issue notice.

(Neetu Sachdeva)
Sr. P. A.

(Sneh Bala Mehra)
Court Master