

(2020) 02 PAT CK 0272

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3233 Of 2020

Kaushal Kishore Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 19-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0272

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Naresh Chandra Verma, Vijay Bharti

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to SC 7 for the State.

2. The petitioner has moved the Court for the following relief:

"That this writ application is for issuance of a direction to the Respondents to stop the construction of Samudayik Bhawan which is being constructed within the boundary wall of the residential house of the Petitioner."

3. Learned counsel for the petitioner submitted that a Samudayik Bhawan is being constructed by the authorities on the private land of the petitioner. It was submitted that due to controversy arising out of wrong recording of the land in question in favour of the State Government, he had filed Title Suit No. 74 of 2012/CIS No. 192 of 2015 with regard to 81 decimals of land which includes the land on which the Samudayik Bhawan is being built. It was submitted that by judgment dated 28.01.2016 the 4th Civil Judge (Senior Division), Nawada has decreed a suit in favour of the petitioner to the extent of 38 decimals in RS Plot No. 9510/Khata No. 1706 carved out of CS Plot No. 5585 under Khata No. 479 and an area of 24 decimals of RS Plot No. 9509 under Khata No. 1706 which has been carved out from CS Plot No. 5579 under Khata No. 726. It was submitted that with regard to the remaining lands which were claimed by the petitioner in

the Title Suit which has not been decreed in his favour, he has filed Title Appeal No. 6 of 2016, which is pending before the Additional District and Sessions Judge V Nawada.

4. Learned counsel for the State submitted that the petitioner has not made any averment that the land on which the Samudayik Bhawan is being built is within the 38/24 decimals of the land which have been decreed in his favour in the Title Suit. It was submitted that there is no injunction or any order operating with regard to the remaining land which, as of now, is recorded as Government land in the revenue records. It was submitted that even with regard to 38 and 24 decimals of land which have been decreed in favour of the petitioner, the Government has filed cross appeal in the Title Appeal filed by the petitioner.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds the contention of learned counsel for the State to be correct. The petitioner has not made any averment with regard to the Samudayik Bhawan being built on 38/24 decimals of land decreed in his favour. The same not being controverted, building of Samudayik Bhawan on any other land which today stands in the name of the State of Bihar, this Court would not interfere in the matter. Moreover, the petitioner already having filed Title Appeal No. 6 of 2016, it is open to him to seek injunction with regard to any action of the authorities, as may be required.

6. The writ petition, accordingly, stands disposed off with the aforesaid observations.