

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11435 of 1999

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Smt. Vijay Laxmi Sharma wife of Dr. Ramadhar Sharma, R/o Mohalla Sheetal Tola,
Sapna Cinema Road, Arrah, P.S. Arrah district Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Bhojpur.
3. The Circle Officer, Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s

Mr. Ajay Kumar &

Mr. Mukesh Prasad Singh, Adv.

For the Respondent/s :

Mr. Dharendra Kumar Singh, AC to GP-26.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-03-2015

Heard counsel for the petitioner and the respondents.

From the averments of the writ application and the counter affidavit, the basic dispute is related to C.S.Plot Nos. 308 and 310. As the State has claimed that the petitioner while making construction of the building has encroached upon the land of the State Government.

Counsel for the petitioner submits that the vendor of the petitioner had filed T.S.No. 440 of 1999 for granting order of injunction from demolishing the boundary wall existing on the suit land and the action of the respondents be declared to be illegal and unlawful. Further relief was sought that the defendant 1st set cannot challenge the plaintiff's interest and possession over the suit land along with other reliefs and the suit has been decreed in his favour vide judgment dated 27th August 2004. That judgment was challenged by the State of Bihar in F.A.No. 197 of 2005 which is pending.

As the matter has already concluded by the judgment of the Civil Court which is under consideration by this Court the right and title of

petitioner will be governed by the outcome of the First Appeal.

With this observation and direction, this petition is disposed of. If this Court decides the case in favour of State, in that situation the State authority will have liberty to proceed with the matter again in accordance with law.

Let the order passed in Title Suit No. 440 of 1999 be kept on the record.

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(Shivaji Pandey, J)