

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2575 of 2014

Satya Narayan Rai Son Of Late Sumangal Rai Resident Of Village- Jalapur
Gangati, P.O.- Phular, P.S.- Mahua, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar through the Collector, Vaishali at Hajipur
2. The Collector, Vaishali at Hajipur
3. The Additional Collector, Vaishali at Hajipur
4. The Sub-Divisional Officer, Vaishali at Hajipur
5. The Circle Officer, Mahua Block, At and P.O. And P.S. - Mahua, District- Vaishali
6. The Block Development Officer, Mahua Block, At and P.O. And P.S. Mahua, District- Vaishali
7. Baij Nath Sah, Mukhiya, Gram Panchayat Raj Jalapur Gangati, At- Village- Hakimpur, P.O.- Phular, P.S.- Mahua, District- Vaishali

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR JHA

For the Respondent/s : Mr. RAM BALAK MAHTO

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 26-09-2016

Heard Mr. M.S. Parbat, Sr. Counsel for the petitioner and AC to AG
for the State.

The writ application prays for an order commanding the respondents to
restrain themselves from constructing the building of Aangan Bari Centre on the
land of the petitioner under old khata no.51, plot no.142, new khata no.311, plot
no.223, having a total area of 18 decimals situate at village Jalalpur in the district
of Vaishali.

From materials on record and submissions of Mr. Parbat, it is apparent
that prior to filing of this writ application, the petitioner filed T.S. No. 130 of
2013 in the court below for a declaration of title over the subject land. The State is
a party defendant thereto. In the said suit, an application for injunction was also

filed which was allowed on 18.06.2015, but for a limited period. If that be the case, then the Court would be reluctant to consider the grievance of the petitioner. Mr. Parbat states that, if need be, the petitioner would file another application in the said suit for a restraint order. Any party to the suit is free to file a petition if the circumstances so warrant.

The writ application stands disposed of permitting the petitioner to approach the court in seisin of T.S. No. 130 of 2013 for the relief prayed in this application. Needless to observe if any such application is filed, the same shall receive due consideration and disposal by the learned court below expeditiously.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	Nil
Uploading Date	09.2016
Transmission Date	