

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8052 of 2014

=====

Pramila Devi, W/O Sri Rajendra Singh, resident of village Rasalpur, P.S. Fatuha, Dist - Patna.

.... Petitioner/s

Versus

1. The State of Bihar represented through its Chief Secretary, Old Secretariate Building, Patna.
2. Zonal Manager, P.M.G.S.Y. Patna (Kedwai Puri), Patna.
3. Senior Assistant Gr.I (P and A), N.P.C.C. Limited P.M.G.S.Y. Works, Patna, I.A.S. Colony, Kidwaipuri, Patna - 1.
4. District Magistrate, Patna.
5. Sub-Divisional Officer, Patna City.
6. Circle Officer, Fatuha, Patna.
7. Block Development Officer, Fatuha (Patna).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tilak Sao, Adv.

Mr. Ram Swarup Prasad, Adv.

For the Respondent/s : Mr. Sanjay Kumar Ojha, AC to GP-7

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-11-2016

Heard.

The grievance of the petitioner in the present writ petition is that, though no land acquisition proceeding has been started by the State government, yet construction of road at village Supan Chak in the district of Patna has been undertaken under Pradhan Mantri Gramin Sadak Yojna No.1/2000-01.

The learned AC to GP-7 appearing on behalf of the respondents has rightly pointed out that, for the reliefs enumerated in the present writ petition relating to the lands in question, a title suit is already pending i.e. Title Suit No.53 of 2001 in the court of learned Munsif, Patna City. By referring to the averments made in paragraph 7 of the writ petition, it is contended that the aforesaid title suit has been filed by the husband of the petitioner in which District Collector, Patna and other officials have been impleaded as party defendants. Therefore, it is contended that there cannot be

two parallel proceedings with respect to the same cause of action.

The learned counsel appearing on behalf of the petitioner has not disputed about the pendency of the aforesaid Title Suit No.53 of 2001 filed on behalf of the husband of the petitioner with respect to the lands in question.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to raise all her claims with respect to the lands in question in the aforesaid pending Title Suit No.53 of 2001 filed by the husband of the petitioner. The learned Munsif, Patna City or the successor court, who is in seisin of the aforesaid Title Suit No.53 of 2001, is directed to take up the aforesaid title suit on priority basis and all endeavours shall be made to dispose of the same in accordance with law at an early date preferably within a period of one year from the date of receipt/production of a copy of this order, but, before deciding the aforesaid title suit, reasonable opportunity of hearing must be given to the plaintiff and the defendants to produce evidence in support of their respective claims with respect to the lands in question.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner with respect to the lands in question and it is left to be decided by the Civil Court in the aforesaid pending title suit.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

U			
---	--	--	--