

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10430 of 2014

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Mahadev Prasad Keshari son of Late Dwarika Prasad Keshari, Resident of village-
Dobhi, P.O. & P.S.- Dhobi, Dist.- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gaya
3. The Superintendent of Police, Gaya
4. The Deputy Superintendent of Police, Gaya
5. The Sub-Divisional Officer, Gaya
6. The S.H.O., Dobhi Police Station, Gaya
7. The Circle Officer, Dobhi, Dist.- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.
For the State : Mr. A.K. Dubey, AC to AAG 11.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-01-2017

Heard learned counsel for the parties.

The petitioner has moved the Court alleging
construction of building over his private land.

In view of the aforesaid, the Court had directed the
respondents to file a detailed counter affidavit. In the counter
affidavit filed on behalf of the respondents no. 2, 5 and 7 a
categorical stand has been taken that no construction been made on
the land belonging to the petitioner and further, with regard to the
building constructed the same is on the land which has been recorded
in the R.S. Khatian as “*Anabad Bihar Sarkar*”.



Having considered the matter, in view of the fact that the petitioner has filed a Title Suit in which he has also obtained an order of *status quo* and on alleging violation, the petitioner has filed a Miscellaneous Case, in the considered opinion of the Court, the petitioner has to pursue the Title Suit and the Miscellaneous Case. Besides the Court below has sufficient power to take appropriate remedial action against the respondents, both in the Title Suit as well as in the Miscellaneous Case, if it is found that the respondents have actually violated the order of *status quo*, which would necessarily require establishing the fact after giving opportunity to the parties to lead evidence.

Accordingly, the writ petition stands disposed off with liberty to the petitioner to pursue the Title Suit and Miscellaneous Case.

(Ahsanuddin Amanullah, J)

Prakash/-

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