

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12002 of 2016

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1. Mohammad Ibrahim S/o - Late Faizul Haque

2. Md. Rizwan Alam S/o - Late Md. Salauddin

Both residents of Mohalla - Barki Singhi, P.S. - Town Ara, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Bhojpur.

2. Nagar Nigam Municipal Corporation, through its president, Ara, Bhojpur.

3. Officer Incharge P.S. Town Ara, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mishra, Advocate

For the State : Mr. Sita Ram Yadav, GP 6

For Ara Nagar Nigam : Mr. Bishwa Bibhuti Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-08-2017

Heard learned counsel for the petitioners, State and Ara Municipal Corporation. The Municipal Commissioner, Ara Municipal Corporation and Circle Officer, Ara Sadar are also present.

2. The petitioners have moved the Court for the following reliefs:

“ That though this writ application the petitioners seeks indulgence of this Hon’ble High Court for issuance of an appropriate writs/orders/directions or in the nature of Mandamus commanding and



directing the respondents authorities not to act beyond their Legal Jurisdiction and harass a citizen without any legal right established under the law by any competent Court and specific documentary proof, evidence in their favour and not to harass the petitioners any more without any specific Court's order either by competent Civil Court or High Court, and further protection for a direction to accept the proposal for approval of building construction sketch map after proper procedure not in illegal harassment and vindictive attitude and also a writ of certiorari and quash the letter No. 933 dated 12.05.2016 issued by Nagar Aayukta (Adhyaksha), Ara Nagar Nigam."

3. As has been recorded in previous orders, the dispute relates to the claim of the petitioners that his private *raiya* land is being sought to be taken over and settled by the Ara Municipal Corporation. From the materials on record and the stand of the State, it is obvious that in the revenue records maintained by the State, it is the name of the ancestor of the petitioners, who are shown to be the owners of the land in question. The only basis of claim by the Ara Municipal Corporation appears to be on its stand that since they have been in possession of the land, they have perfected their title. However, finally they have also filed Title Suit No. 408 of 2017 which is pending before the Sub-Judge, Ara for declaration of title



over the land in question.

4. In view of the categorical stand of the State that the land was neither acquired nor any change or correction in the register relating to the name of the owner of the land in question, which still continues in the name of the ancestor of the petitioners, the writ petition stands disposed off with a direction that *status quo*, as existing, shall be maintained over the land in question subject to the final outcome of Title Suit No. 408 of 2017. Since, as on date, from the official records and the stand of the State both before the Court and on affidavit, that the revenue records show the name of the ancestor of the petitioners as the land owner and there being specific averment by the petitioners that they are continuing in possession, which has neither been controverted nor anything brought on record to show that the petitioners have been dispossessed, it is made clear that there shall be no interference from the district authorities or Ara Municipal Corporation with regard to any lawful activity undertaken by the petitioners on the land in question and they shall be at liberty to deal with the same for all lawful purposes to which they are entitled. However, the Court would also indicate that ultimately the issue shall be decided in Title Suit No. 408 of 2017 and at that point of time, the petitioners shall not be entitled to claim equity for any activity they



may have done with regard to the land in question.

5. It is recorded that the order has been passed in the presence of the parties and with their consent.

6. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J)

Anjani/-

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