

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5458 of 2015

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Drigonmeshwar, aged 48 Yrs, S/O Late Baidya Sitaram resident of Mohalla
Harding Road, Kranti Marg, Opp-Haj Bhawan, PS- Sachivalya, PO- GPO,
Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Director General of Police, Bihar, Patna.
3. District Magistrate, Patna.
4. Secretary Department of Land Reforms, & Revenue, Bihar, Patna Old
Secretariat, Patna.
5. Secretary, Building Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Drigonmeshwar (In Person)
For the Respondent/s : Mr. Ankit Katriar, A.C. to AAG-13

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2018

1. By way of this petition under Article 226 of the
Constitution of India, petitioner, who is appearing as party in
person, has prayed for the following reliefs:-

“That the respondent be commanded to
pay compensation of Rs. 80,000,00 (rupees eighty
lack) for the illegal, intentional & arbitrary
demolition of temples and house of petitioner
standing over Plot No 1195 & 1196 which was
covered by judgment and Decree of competent



Civil Court vide order dtd. 26-08-1996 in Title Suit No 36 of 1994 passed by learned Subordinate Judge 1st, Patna.”

2. Having heard the petitioner as party in person and the learned counsel appearing on behalf of the respondent-State and considering the material on record, more particularly the counter filed on behalf of the State, it appears that against the judgment and decree passed by the learned Civil Court dated 26.08.1996 passed in Title Suit No. 36 of 1994, the State has preferred Title Appeal No. 18 of 2012. Under the circumstances, unless and until the Title Appeal is decided and disposed of, the petitioner shall not be entitled to any relief as prayed in the present petition. It is required to be noted that in the aforesaid Title Appeal the brother of the petitioner is already a party who filed Title Suit No. 36 of 1994 and upon which the reliance has been placed by the petitioner.

2.1. Even otherwise, there shall be disputed question of fact with regard to compensation/what amount of compensation and for which even otherwise petitioner is to file an appropriate proceeding before the Civil Court. Even in the petition also it is not stated how the petitioner is claiming Rs. 80,00,000/- (eighty lacs) by way of compensation.

3. Considering the aforesaid facts and



circumstances, for the present the writ petition is not entertained and the same deserves to be dismissed and is, accordingly, dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-R.S.Sen

AFR/NAFR	
CAV DATE	
Uploading Date	20.09.2018
Transmission Date	

