

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1325 of 2019

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1. Shiv Shankar Gupta @ Shiv Prasad Gupta @ Shiv Shankar Prasad Gupta S/o Parmeshwar Modi Vill.-Mananpur Bazar, P.s.-Chanan, Distt.-Lakhisarai
 2. Ashok Kumar S/o Rajgir Prasad Vill.-Mananpur Bazar, P.s.-Chanan, Distt.-Lakhisarai

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, the Ministry of Railway New Delhi
2. The Zonal Manager Eastern Central Railway Hajipur, Distt.-Vaishali
3. The Divisional Railway Manager Danapur Division, Danapur, Distt.-Patna
4. The Assistant Engineer Eastern Central Railway Kiul, Distt.-Lakhisarai
5. The District Magistrate Lakhisarai
6. The Circle Officer Chanan, Distt.-Lakhisarai
7. The Officer-in-charge R.P.F.Kiul, Distt.-Lakhisarai
8. The Officer-in-charge R.P.F. Jamui

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bharat Lal, Mr. Rabindra Kumar
For the Respondent/s	:	Mrs. Prakritata Sharma, A.C. to S.C.-25
For the Railways	:	Mr. Anil Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2019 Heard the parties.

Following reliefs have been sought for in paragraph 1(A) and (B) of the present application on behalf of the petitioners:

“1(A) For issuance of an appropriate writ/order/direction directing the respondents to not take any action for removing encroachment of demolishing the building constructed on plot No 1064 under Khata No. 220, revenue village Itaun at present Mananpur Bazar, P.S.- Chanan, District-Lakhisarai.

(B) Respondents may be further directed to not disturb the peaceful possession and business of the petitioners on the aforesaid land.”

The petitioners, in the present writ application, claim that



they are the title holder of the land in question as above referred and as such they cannot be evicted from the land in question by way of forceful eviction.

On behalf of the respondent Railways, Mr. Anil Kumar Sinha submits, on basis of information received from the authorities, that the above referred land in question belongs to the Railways. The said land was acquired prior to independence and compensation in respect of the acquisition was paid to the concerned parties.

In the present case, there is admitted dispute of title. The same cannot be decided under Article 226 of the Constitution of India. It would be appropriate that the petitioners prefer a civil suit before the Court below with competent jurisdiction for the redressal of their grievance. The petitioners undertake that within a period of 30 days from today, they will prefer a suit before the Court below.

Considering the submissions made on behalf of the petitioners, status quo is to be maintained for a period of 30 days from today. If the petitioners file a suit before the Court below, they will be at liberty to file an application for injunction which shall be considered on its own merit by the concerned Court.



With the aforesaid observation/direction, the present writ
application stands disposed of.

(Sudhir Singh, J)

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