

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5963 of 2019**

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Ram Bahadur Sah, S/o late Shiv Prasad Gond, @Shiv Prasad Sah R/o Village  
Piprahi, P.O. Pakawaliya, P.S. Baraharia, District Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Department,  
Government of Bihar New Secretariat Patna
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Circle Officer Baraharia, District Siwan
5. The Officer in Charge of Barahari Police Station, District Siwan

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Kant

For the Respondent/s : Md. Nadim Seraj (GP-5 )  
Mr. Dharendra Kumar, AC to GP-5

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      01-04-2019                      This writ application has been filed seeking issuance of a writ of mandamus, directing the respondents to show the reason for demolition of the petitioner's house and the order, by which the petitioner's house has been demolished by the Officer-in-Charge of the Barahari Police Station, Siwan. The petitioner has also sought for compensation to the tune of Rs. 50,00,000/- (fifty lacs) for such demolition.

It appears that a suit has been filed by the petitioner himself, which is pending in the court of learned Sub. Judge-I, Siwan, registered as Title Suit No. 01 of 2017, seeking declaration of this title, asserting his possession over the disputed land.

This is also not in dispute that one Lalchand Pandit



had filed a Misc. Case No. 59/2015-16 in the court of Additional Collector, Siwan, raising his claim that the disputed land was settled by the State Government in his favour in a proceeding initiated in the year 1989-90, under the Bihar Privileged Persons Homestead Tenancy Act, 1948. The said Misc. Case No. 59/2015-16 came to be disposed of by order, dated 14.03.2018, passed by the Additional Collector, Siwan, holding that the land, in question, was settled with the said Lalchand Pandit. He, after recording his conclusion to that effect, asked the Circle Officer, Baraharia, to ensure that the grievance of said Lalchand Pandit of his wrongful dispossession from the land settled, was resolved. The said Lalchand Pandit has been held to be privileged person within the meaning by the Bihar Privileged Persons Homestead Tenancy Act. The order of the Additional Collector, Siwan, dated 14.03.2018, has not been challenged by the petitioner. The petitioner filed the suit, apparently, much after the settlement was made in favour of the Lalchand Pandit and the order in the said Misc. Case No. 59/2015-16 was passed. The petitioner was a party in the said Misc. Case No. 59/2015-16 and he had participated in the said proceeding.

In the present writ application, it is the petitioner's case that his house has been demolished so that the said



Lalchand Pandit is given possession over the land, in the light of the order of Additional Collector dated 14.03.2018.

The order of the Additional Collector, dated 14.03.2018, is a statutory order. The petitioner opted not to question the said order, dated 14.03.2018. Acceptance of the petitioner's case as attempted to be made out in the present proceeding will amount to nullifying the said order dated 14.03.2018.

If the petitioner has any grievance, he could have raised before the competent court of civil jurisdiction, where the title suit is pending. Filing of the present writ application, in my view, is an abuse of the process of the Court. Further, the petitioner seems to have intentionally not impleaded the said Lalchand Pandit as party respondent in the present writ application. In order to discourage such frivolous and fictitious litigation, this application is disposed of with a cost of Rs. 20,000/- (twenty thousand) to be recovered by the Collector Siwan, treating the same to be the arrears of land revenue.

**(Chakradhari Sharan Singh, J)**

Ashish/-

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