

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9876 of 2017

=====

Ram Pukar Mahto S/o Late Gena Mahto, R/o Village-Satha Chakka P.O.-
Govindpur, P.S.-Mansurchak, Distt.-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of revenue, Govt. of Bihar, Patna.
3. The District Magistrate, Begusarai
4. The Sub-Divisional Officer, Teghara, Begusarai
5. The Land Reforms District Collector, Teghara
6. The Circle Officer, Teghara
7. Rajeshwar Mahto, S/o Late Shivji Mahto, Village-Satha chakka, P.S.
Mansurchak, District-Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Nikhil Kumar Agrawal
For the State	:	Mr.Rishi Raj Sinha-SC-19
		Mr. Akhilesh Kumar Sinha, AC to SC 19

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 08-04-2019 The petitioner seeks the following reliefs:-

“(i) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of Mandamus directing the Respondents not to interfere in the peaceful possession of the petitioner over the land in question bearing Khata No. 518, Khesra No. 2464, Tauzi No. 5893, Thana No.04 situated at Mauza Rasidpur;

(ii) To issue an appropriate writ/order/direction in the nature of *mandamus* directing the Respondent



authorities to carry out an enquiry with respect to the prima facie title of Khata No. 518, Khesra No. 2464, Tauzi No. 5893, Thana No.04 situated at Mauza Satha Rasidpur before accepting the same in donation for the purpose of construction of a school;

(iii) to stay the process of registration of the Gift Deed in favour of the Governor, Government of Bihar sought to be executed by the Private Respondent for the purpose of gifting/donating the land in question to the Government of Bihar for the construction of a school.”

A counter affidavit has been filed on behalf of respondent no.7, on perusal of which it seems that the petitioner claims title over the land in dispute.

Realizing the nature of dispute, learned counsel for the petitioner has very fairly submitted that the petitioner may be given liberty to approach the civil court of competent jurisdiction for adjudication of his title over the land, in question. He has also submitted that this Court may grant interim protection till the petitioner approaches the competent court of civil jurisdiction, for deciding the title.

This Court, at present, cannot issue any order or



direction on the nature, as being sought.

The petitioner shall, however, be at liberty to seek such relief in a suit, which he intends to prefer.

This writ application stands disposed of with the liberty aforesaid.

(Chakradhari Sharan Singh, J)

HR/-

U			
---	--	--	--

