

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17861 of 2012

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Bimla Kuer Wife Of Late Sheo Pratap Singh Resident Of Village - Dharupur,
Police Station - Bikramganj, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Rohtas At Sasaram
3. The Executive Engineer, Department Of Building Construction Building Division, Sasaram In The District Of Rohtas
4. The Sub Divisional Officer, Bikramganj At Bikramganj District Rohtas
5. The Land Reforms Deputy Collector, Bikramganj At Bikramganj, District - Rohtas
6. The Circle Officer, Bikramganj At Bikramganj, District - Rohtas
7. The Director, Land Acquisition, State Of Bihar, Old Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Singh
For the Respondent/s : Mr. P.K. Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-01-2019 Heard the parties.

In the present writ application, the following relief
has been sought for on behalf of the petitioner :

1(a) To issue an appropriate writ/writs,
direction/directions including the writ of mandamus,
commanding the Respondents to remove the encroachment by
demolishing the constructed Sub Divisional Court building
(Residential/ Non-Residential) Bikramganj from petitioner's
land measuring 13 dec. of R.S. Plot No.916, Khata No.500 of
Mauza Dharupur under Bikramganj Nagar Panchayat in the
District of Rohtas which was purchased in the name of



petitioner's husband vide Registered Sale Deed No.11509 dated 19.7.1972 from one Ram Nihora Tiwary who was Khatiyani raiyat.

Land measuring 13 decimals of plot No.916, khata No.500, Mauza Dharupur was purchased by one Sheo Pratap Singh. He happened to be the husband of the petitioner. The land was mutated in the name of the husband of the petitioner. Rent receipts were issued in favour of the husband of the petitioner upto 2012-2013. The land in question was purchased in the year 1972. In the year 2004 building was constructed for running the Sub Divisional Court. After a period of eight years, the present writ application was filed in the year 2012. During the pendency of the present writ application, Title Suit No.90 of 2015 was filed by the State in the court of Sub Judge 1st, Sasaram at Rohtas. The said suit was filed for declaring the Schedule A property belonging to the State of Bihar, with which the defendants have got no concern whatsoever. The petitioner to the writ application is a defendant in the said suit. Written statement has also been filed in the said suit on behalf of the writ petitioner. The said suit in question included the land in question as above mentioned in the relief portion of the writ



application.

Since the title of the land in question itself is yet to be decided in the suit, the Counsel for the petitioner seeks permission to withdraw the present writ application at this stage with liberty that if the State fails in the suit preferred before the court below, then the petitioner will be at liberty to approach before the competent authority to get compensation of the land in question.

Permission is accorded.

If the State fails in the said title suit, the respondent authority shall pass an appropriate order in accordance with law under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in respect of the land in question preferably within a period of six months from the date of the final order passed in Title Suit No.90 of 2015.

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

(Sudhir Singh, J)

Narendra/-

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