

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4841 of 2023

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Dhrup Prasad Jaiswal @ Dhruv Jaiswal @ Dhrup Kumar Jaiswal Son of Late Jagdish Prasad Jaiswal, Resident of Village-Surval, Ziradai, P.S.- Ziradai, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development, Govt. of Bihar, Patna.
2. The Chairman, Nagar Parishad, Siwan.
3. The Deputy Chairman, Nagar Parishad, Siwan.
4. The Special Executive Officer, Nagar Parishad, Siwan.
5. Sri Arvind Singh, the Contractor of the work in question, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramadhar Shekhar, Advocate
For the State	:	Mr. Rajeev Kumar Sinha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-08-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. Learned counsel for the petitioner submits that petitioner has filed the present writ petition relating to stop the construction work on the land of petitioner appertaining to Khata No. 12, Plot No. 451, 448, 448/563, total area 19 Dhur 15 Dhurki situated near Siwan Babuniya Road, Mouza-Fatulahi, P.S.-Siwan, Ward No. 21 Old.

3. Learned counsel for the petitioner submits that the said land was purchased by a sale deed, in which there were

two vendees namely, Vijay Kumar Jayasaval and the present petitioner. Counsel further submits that the said Vijay Kumar Jayasaval has moved earlier before this Hon'ble Court in CWJC No. 2560 of 2020 in which vide order dated 16.05.2023 an order has been passed.

4. Learned counsel for the State raised objection that since there are joint purchaser of the same land, when one purchaser has moved before this Court for the same land then other purchaser has no right to move further.

5. Upon perusal of the record and after hearing the argument, this Court is of the view that the property on which the relief has been sought is identical in both CWJC No. 2560 of 2020 and the present CWJC No. 4841 of 2023. Parties against whom the relief has been sought are also identical.

6. In view of this Court, this case is covered under the doctrine of constructive *res-judicata* and therefore, the present writ shall not proceed as there is already order dated 16.05.2023 passed in CWJC No. 2560 of 2020 and the decision passed in accordance with CWJC No. 2560 of 2020 dated 16.05.2023 shall have binding effect on the present petitioner and respondent also.

7. In this view of the matter, the present writ

petition is dismissed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
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