

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7745 of 2020**

Arvind Kumar Singh S/o- Late Saryu Prasad Singh R/o Kamra, Makaita, P.S.-  
Baijnathpur, District- Banka ... Petitioner

Versus

1. The State of Bihar through the Director, Land Acquisition Department, Bihar, Patna.
2. The Collector, Saran, Chhapra.
3. The District Land Acquisition Officer, Saran, Chhapra ... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Vishal Vikram Rana, Advocate  
For the Respondent/s : Mr.Ramesh Kumar Singh, AC to GP 15

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

8      05-12-2023                      Heard learned counsel for the petitioner and the State.

2.Writ petition has been filed for restraining the respondent authorities from constructing water tower under the scheme of 'Har Ghar Nal Ka Jal Yojna' on the land of the petitioner, as mentioned in paragraph 5 of the writ petition, without following the due procedure of land acquisition.

3. Learned counsel for the petitioner submits that the land in question was purchased by father of the petitioner on 30.4.1949 vide sale deed dated 13.4.1949 (annexure 1 to the writ petition) and since then petitioner is in peaceful possession of the land. Respondents in collusion with contractor, constructed water tank over the land of the petitioner without acquisition and payment of compensation. Aggrieved thereby, the instant writ petition has been filed.

4. Learned counsel for the State has filed counter affidavit. In paragraph 8 of the counter affidavit, it has been



stated that one Rakesh Kumar Singh, land holder of Khata No.125, Khesra No.360 total measuring 20 x 20 voluntarily gifted his land on 24.9.2020 for construction of water tower under the scheme vide gift deed dated 24.9.2020 ( annexure A to the counter affidavit). Prior to the execution of work, the Executive Engineer, PH Division, Chapra enquired from the donor with respect to title of the land in which it was disclosed that land in question was purchased in the name of father of the petitioner Late Saryug Prasad Singh and his brothers Prabhu Nath Singh and Bhola Singh. They also filed application before Circle officer, Dighwara that land in question if issued in the name of the father of the donor they do not have any objection. In paragraph 15 of the counter affidavit, it is stated that the petitioner happens to be uncle of donor of the land donor and it appears that the matter involves civil dispute between the petitioner and the land donor which cannot be decided by this Court in writ jurisdiction.

5. It is settled position of law that the writ jurisdiction of the High Court does not extend to dispute between private parties relating to properties, right and title. It is a pure civil dispute for which, a regular suit in a competent civil court is the only remedy. The same cannot be adjudicated in writ



jurisdiction by impleading some public authority and seeking direction against them.

6. With the aforesaid observations, writ petition stands disposed of.

7. Petitioner is at liberty to seek remedy before appropriate authority in accordance with law.

**(Prabhat Kumar Singh, J)**

shashi/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

