

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3307 of 2024

Arbind Prasad @ Arvind Prasad @ Aravind Prasad Son of Late Jageshwar Prasad Resident of Mohalla Purabsarai Road, Near Durga Asthan, P.S.- Kotwali, Distirct-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
4. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. The Divisional Commissioner, Munger Division, Munger.
6. The Collector, Munger.
7. The Superintendent of Police, Munger.
8. The Sub Divisional Magistrate, Sadar, Munger.
9. The Circle Officer, Sadar, Munger.
10. The Distirct Khas Mahal Officer, Munger.
11. The Station House Officer, Kasim Bazar Police Station, District-Munger.
12. The Executive Rngineer, Public Work Department, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Adv.
For the Respondent/s : Mr.Standing Counsel 10

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.i) For issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents for a direction to restore previously constructed house/building over Khas Mahal Land of which detailed description is:- A piece of



Khas Mahal Lease hold Homestead Land and structure standing over the land admeasuring 10 Katha 04 dhur 10 dhurki equivalent to 14733 sq.ft., situated at Mohalla-Belan Bazar, Near Sojhi Ghat, Mahal, Garh Quila, Municipal Ward No.1, Police Station-Kasim Bazar, Sub Registry & District- Munger, Bihar appertaining to Khas Mahal Khata No.14, Khesra No. 537, Jamabandi No. 14 under Khas Mahal, Tauzi No.1333. The petitioner came in possession of the land by virtue of deed of agreement for sale dated 28.07.2007, executed in the name of the petitioner, however, after the heirs of Late Pandit Kashi Prasad Tiwari gave an application before the Collector, Munger on 21.02.2017 for granting permission to execute sale deed in favour of the petitioner, the Circle Officer, Sadar Munger treated the house/building, previously constructed over Khas Mahal Land, in the category of encroachment and demolished the entire constructed building/house, which was in the possession of the petitioner through proper procedure.

(ii) For issuance of a direction to the responsible respondents to give compensation for demolished building/house of the petitioner to the tune of Rupees two Crores.

(iii) For issuance of a direction to responsible respondents to take suitable legal action against the Circle Officer, Sadar Munger who travelled beyond his jurisdiction and demolished the



house/building of the petitioner in the name of encroachment.”

2. At the outset, the learned counsel for the petitioner submits that the petitioner has already filed a title suit, bearing Title Suit No.315 of 2024, which is pending adjudication before the Ld. Court of Sub-Judge- 1st, Munger, hence the petitioner does not wish to press the present writ petition, however, seeks liberty on behalf of the petitioner to renew his prayer for grant of the aforesaid reliefs, in case he succeeds in the pending title suit. Liberty so sought is granted.

3. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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