

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6142 of 2016

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1. Radha Raman Singh S/o late Lala Singh
 2. Abhay Shankar Singh S/o Shri Harendra Singh All are resident of Mohalla-Mainpura , OPP. of Gate NO. 46, P.O. G.P.O. PS Patliputra District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-cum-Secretary, Department of Land and Revenue ,Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Land Acquisition Officer, Patna.
5. The Circle Officer, Patna Sadar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Anu Priyadarshi, Advocate
For the Respondent/s : Mrs. Archana Meenakshi, G.P.-6

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-02-2024 Heard Ms. Anu Priyadarshi, learned Counsel for the petitioner and Mrs. Archana Meenakshi, learned G.P.-6 for the State.

2. The present petition has been preferred for the following reliefs:-

(i) to issue a writ in the nature of mandamus commanding the respondents nos. 3 to 5 to not interfere with the lands bearing Thana No. - 140, Tauzi No. - 5123, appertaining an area of 08 Bigha 8 executed by Shri Mahanth Videh Saran, Chela- Mahanth Hanuman Saran in favour of



Babu Pachkauri Singh, S/o - Late Babu Harmandil Singh, resident of village – Mainpura, P.S - Digha, District - Patna by virtue of Registered Patta Kabuliat dated 19.11.1951;

(ii) to issue a writ in the nature of mandamus commanding the respondents to not interfere with the land of the petitioners, as admittedly, the lands in question are/is in peaceful and uninterrupted possession of the petitioners, but the Respondent Authorities without taking any legal recourse, pertaining to Land Acquisition Act adamant to construct the Water Treatment Plant and Marine Drive (Jai Prakash Path) over the lands of the petitioners.

3. Learned Counsel for the petitioner submits that they were occupying the land which has been taken away for the Water Treatment Plant and the newly constructed Marine Drive (Jai Prakash Path) and as such, the respondent authorities were duty bound not to interfere in the peaceful possession.

4. Mrs. Archana Meenakshi, learned G.P.-6 has drawn attention of this Court to an order dated 07.12.2015 passed by the Division Bench in Public Interest Litigation in **CWJC No.**



3117 of 2015 (Learned District and Sessions Judge, Patna vs. Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation & Ors.) with specific reference to the closing paragraphs which read as follows:-

“Our attention has been drawn, however, on their behalf, to an order, dated 05.05.2015, whereby a Division Bench of this Court had specifically directed that the Collector shall not entertain any claim of ownership of the land in the river bed nor could such persons claiming right of ownership, raise any grievance before the Civil Court.

Since we are closing the present proceeding by the present order, we consider it proper, in the interest of justice, to make it clear that the intervenor-respondents will have liberty to approach in accordance with law, Civil Court of competent jurisdiction for adjudication of dispute over title, if any, if so advised.

The order, dated 05.05.2015, stands modified only to the extent, whereby embargo was placed upon the persons, like the intervenor-respondents, from raising their dispute before the Civil Court.

This disposes of this application.

Interlocutory Application Nos. 4289 of 2015, 5098 of 2015 and 6037 of 2015 and I.A. Nos. 4566 of 2015, 5354 of 2015, 5779 of 2015, 6014 of



2015, 7548 of 2015, and 7552 of 2015 shall also stand disposed of.”

5. She submits that though earlier the Division Bench has passed an order directing the Collector not to entertain any claim of ownership of the land in the river bed, subsequently liberty was granted to those who claim to be an aggrieved person to approach the Civil Court of competent jurisdiction for adjudication of their respective dispute.

6. Having heard the parties and perusing the order passed by the Patna High Court in CWJC No. 3117 of 2015, this Court is satisfied that no relief can be granted to the petitioners and they are well advised to move before the competent Civil Court, if they so want.

7. The writ petition is dismissed.

8. Before parting, this Court would like to put on record its word of appreciation for Ms. Anu Priyadarshi, learned counsel for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

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