

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12293 of 2016**

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- 1.1. Rakesh Narayan Sinha Son of Late Durgesh Narayan Sinha
- 1.2. Seema Sinha Daughter of Late Durgesh Narayan Sinha, Wife of Ujjawal Prakash
- 1.3. Rani Sinha Daughter-in-law of Late Durgesh Narayan Sinha, Wife of Late Rajesh Narayan Sinha

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner Saran at Chapra
3. The District Magistrate, Saran at Chapra
4. The Superintendent of Police Saran at Chapra
5. The deputy collector land reforms , Sadar, Chapra
6. The Sub-Divisional Officer, Sadar, Chapra
7. The Circle Officer, Sadar, Chapra
8. The Sub-Divisional Police Officer, Sadar Chapra
9. The Executive Officer, Chapra Nagar Parishad, Chapra
10. The Circle Officer, Sadar Block, Chapra
11. The S.H.O.Bhagwan Bazar Police Station ,Chapra
12. The Tax Collector, Chapra Nagar Parishad , Chapra
13. Sanjay Kumar Singh son of late Narendra Kumar Singh resident of Mohalla-late Nagina Singh Gali, Dahiyawan, P.O.- Sahebganj, P.S. - Chapra town , District- Saran at Chapra

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Bindhyachal Singh<br>Mr. Ram Binod Singh       |
| For the Respondent/s | : | Mr. AAG 11<br>Mr. Ashok Kumar Dubey, AC to AAG, 11 |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      19-02-2024                      Heard the parties.

2. By way of this writ petition, the petitioner has prayed for the following relief as quoted under:-

i. For issuance of a writ in the nature of certiorari for quashing of order dated 11.02.2016 passed by the Collector-cum-District Magistrate, Saran at Chhapra in File No. 15-243/2015 as contained in Memo No. 34 dated 18.02.2016



whereby the private land of the petitioner has been declared to be a Govt. property and the municipal mutation of the land has been directed to be cancelled, the District Sub-Registrar has been directed to not to register any document with regard to the land in question and the S.D.M., Sadar, Chhapra has been directed to restrain any construction activity over the land in question.

ii. For holding that the District Magistrate had no jurisdiction to decide the dispute with regard to the land in question because it is a private land with regard to which, a decree of the competent Civil Court has also been issued in favour of the petitioner and the Division Bench of the Hon'ble Court has also refused to entertain a PIL with regard to the land in question because of the decree of the competent Civil Court.

iii. For restraining the respondent authorities, viz, the SDM, Sadar, Chhapra, the Chief Executive Officer, Chhapra Municipality and the District Sub-Registrar, Chhapra from implementation of the order dated 11.02.2016 passed by the District Magistrate, Saran at Chhapra during the pendency of this writ application.

3. The complex question of title has been decided by the Collector, Saran at Chhapra in an encroachment case,



doubting the title of the petitioner.

4. The only option left to the parties is that the issue should be decided by the District Court in a title suit. Though, there was an observation by the Additional Collector concerned in the year 1991 that the matter can only be decided in a title suit and the State may move in a title suit but the State has not filed any title suit.

5. The impugned order dated 11.02.2016 passed by the Collector-cum-District Magistrate, Saran at Chhapra has been passed, who in great details has considered the case of the petitioner and has held that the petitioner is an encroacher.

6. Considering the facts of this case, this Court is of the view that the parties should get the matter decided in a Title Suit so that the matter can be finally settled.

7. This application is disposed of with liberty to the petitioner to file a title suit in the District Court. In case the title suit is filed by the petitioner, the State will co-operate in the disposal of the title suit and if the State will not co-operate in the disposal of the title suit then the District Court will proceed ex-parte against the State without waiting indefinitely for the State to co-operate. The petitioner is also given liberty to file an injunction application in the title suit and if such an injunction



application is filed by the petitioner then the same shall be decided by the District Court expeditiously, preferably within one month of its filing, subject to co-operation by the State of Bihar.

8. The District Court will not be guided by impugned order dated 11.02.2016 passed in the encroachment case but will apply its mind on the facts of the case on the basis of oral and documentary evidence brought on record by the parties.

9. If an injunction application is filed by the petitioner within one month from today then the Status-quo shall be mentioned in the subject matter of the suit till the final disposal of the injunction application.

10. With the aforesaid directions, this application is disposed of.

**(Sandeep Kumar, J)**

Vikas/-

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