

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9787 of 2023

-
-
1. Upendra Prasad Singh @ Upendra Kumar Son of Late Harihar Singh Resident of Near Adara Ram Mandir, Vidyapati Marg, Post Office- G.P.O., P.S.- Patna Kotwali, District- Patna.
 2. Krishna Kumar Son of Sri Bhola Prasad Yadav @ Bhola Prasad Resident of Vidyapati Marg, Post Office- G.P.O. Patna, P.S. Patna Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna, District- Patna.
5. The Circle Officer, Patna Sadar, District- Patna.
6. The Bihar State Board of Religious Trust, Vidyapati Marg, Patna through the Secretary.
7. The Secretary, The Bihar State Board of Religious Trust, Vidyapati Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Adv.
For the Respondent/s	:	Mr.Md. Khurshid Alam (Aag 12)
For the Board	:	Mr. Ganpati Trivedi, Sr. Adv.
		Mr. Ritik Shah, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 28-06-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 21.4.2023, passed by the Circle Officer, Patna Sadar (Respondent No. 5) in Encroachment Case No.18 of 2022-23, whereby and whereunder the Respondent no.5 has been pleased to declare the petitioners encroacher over a part of the Municipal Plot No.1274 situated in Mauza Arra,



Thana No.20, Ward No.1.2 (new Ward No.27) and Sheet No.07 on the basis of an application filed by the Respondent no.6 which is a Khas Mahal Land recorded in the name of Secretary of State of India in Council in the Municipal Survey Khatiyan.

(ii). For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent to compensate the petitioners for the loss sustained by them because of illegal demolition of their pucca houses constructed over the said plot which has been demolished by the Respondents in between 02.05.2023 to 06.05.2023 in compliance of the order dated 21.04.2023 passed by the Respondent no.5 when the appeal against the order of the Respondent no.5 was already filed before the Respondent no.4 on 25.04.2023 and it was awaiting its consideration by the appellate authority.

(iii). For a declaration that in view of the provisions contained under Sections 21 and 22 of the Bihar Government State (Khas Mahal) Manual, 1953 (hereinafter referred to as Bihar Khas Mahal Manual, 1953), the encroachment proceeding before the Respondent no.5 was not maintainable and therefore, the impugned order dated 21.04.2023 passed by the Respondent no.5 was without jurisdiction and since the petitioners' dwelling house has been demolished in patent



violation of law, they are entitled for suitable compensation not only on account of illegal demolition of their dwelling house but also on account of physical, mental and financial harassment caused to them by the illegal acts of the Respondents.

(iv). For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for restoration of petitioners' possession over the land in question where their family members were residing for about last 80 and 60 years respectively, they had constructed their pucca houses without any objection from any quarter and they were paying municipal taxes to the municipalities.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to prosecute the title suits in question i.e. the ones bearing Title Suit No. 229 of 2023 and Title Suit No. 253 of 2023, which are pending adjudication before the Learned Court of Sub-Judge 1st, Patna. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

