

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13242 of 2024

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Rajat Ranjan alias Munna Kumar Jha Son of Late Laxman Jha Resident of
Village- Bhaluahi Ward No. 7, P.S. Gwalpara District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Old Secretariate, Bihar Patna.
2. The Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Collector, Madhepura.
5. The Sub divisional Officer, Uda Kishunganj, District Madhepura.
6. The Deputy Collector, Land Reforms Udakishunganj District Madhepura.
7. The Circle Officer, Gwalpara Circle, PS- Gwalpara, District- Madhepura.
8. Anchal Amin Gwalpara Circle PS- Gwalpara, District- Madhepura.
9. Bindeshwari Prasad Yadav Son of Late Anuplal Yadav Resident of Village Bhaluahi PS Gwalpara, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Respondent/s : Mr.Government Pleader (22)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-09-2024

Heard learned Advocate for the petitioner and learned
Advocate for the State.

2. The petitioner by filing the present writ petition seeking a direction upon the respondents to ensure payment of compensation to the petitioner as his dwelling house situated over his *raiya* land bearing R.S. Plot No. 1055, RS Khata No. 499



Old Khata No. 188, Old Plot No. 821, Area 750 Square Kari under Mauza Bhaluahi, P.S. Gwalpara, District Madhepura, has been demolished.

3. Learned Advocate for the petitioner contended that with respect to the land in question the petitioner has filed Title Suit No. 40 of 2015 which stood dismissed for default and thereupon Miscellaneous Case No. 10 of 2018 has been filed for restoration of the suit, which is pending consideration. It is also submitted that earlier the father of the petitioner had approached this Court in CWJC No. 194 of 2018 wherein *status quo* order was passed for a period of two months, which application has also finally disposed of. Despite the aforesaid fact, the respondent authorities, by treating the construction of the petitioner under encroachment, has demolished his dwelling house.

4. At this stage, learned Advocate for the State submits that admittedly at present there is neither any title suit pending before the Civil Court of competent jurisdiction nor any order in favour of the petitioner.

5. Considering the submissions advanced on behalf of the parties and taking note of the aforesaid fact, the writ petition is consigned with a liberty to the petitioner to press his



Miscellaneous Case No. 10 of 2018.

6. Needless to observe that the quantum of compensation on account of demolition of dwelling house shall be abide by the final decision of Title Suit No. 40 of 2015.

7. The writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2024
Transmission Date	

