

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13707 of 2024

=====

Siyaram Choudhary @ Sitaram Choudhary S/o Triveni Choudhary, Resident of Village-Sherpur, P.S. Sakatpur, District-Darbhangha, at present resident at Nirmali Ward No. 11, P.S.-Nirmali, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Collector, Darbhanga.
3. The Addl. Collector (Public Grievance Redressal), Darbhanga.
4. The Sub-Divisional Officer, Darbhanga Sadar, Darbhanga.
5. The Circle Officer, Tardih Circle, District-Darbhangha.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocat
For the Resp-State : Mr. Asif Kalim, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2024 Heard Mr. Subhash Kumr Mishra, learned counsel for the petitioner and Mr. Asif Kalim, learned counsel for the State.

2. The petitioner by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution, seeking quashing of the orders dated 18.07.2024 as well as 07.06.2024, whereby and whereunder “No Objection Certificate” has been issued by respondent no.5 pertaining to construction of Community Building-cum-Work Shed over the plot bearing R.S. Khata no. 456, Khesra no. 1586 admeasuring 60’x50’ sq. ft. Mauza-Sherpur, Thana no. 363. The petitioner also sought a direction upon the respondent authorities to delete



the name of Anabad Bihar Sarkar in R.S. Khatyan pursuant to the order dated 08.11.1993 passed in B.T. Case no. 3501 of 1989 by the Land Settlement Officer, Darbhanga.

3. After making arguments at some length, learned counsel for the petitioner fairly contended that on being harassed at the hands of the State Authorities, the petitioner has also filed Title Suit no. 362 of 2024 for declaration of his right, title and possession over the land in question, which is pending before the Competent Court. It is also contended that the petitioner has also filed a petition for injunction but till date the same has not been taken up for adjudication. In the aforesaid premise, learned counsel for the petitioner prays that till the order passed by the competent Court on injunction petition, the respondent-State Authorities may be directed to restrain from making any construction.

4. Learned counsel for the State countering the afore-noted submissions urged before this Court that since the matter is sub judice before the Civil Court in Title Suit no. 362 of 2024 in relation to right, title and possession over the land in question, no order is required to be passed.

5. This Court finds substance in the submission of learned counsel for the State. The Court would not ordinarily



permit a party to pursue two parallel remedies in respect of the same subject matter; all the more when the dispute is in relation to right, title and interest, sub judice before a Competent Court.

6. The writ petition stands disposed off with a liberty to the petitioner to pursue his remedy before the Civil Court of competent jurisdiction in Title Suit no. 362 of 2024 and get an appropriate order.

7. Suffice it to say that any construction over the land in question shall be subject to the final outcome of Title Suit no. 362 of 2024.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

