

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14222 of 2015

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Dwarika Nath Prasad Son of Sri Bhola Nath Prasad Resident Ward No. 10,
Nagar Panchayat Sheohar, P.O. and P.S. Sheohar, District - Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Sheohar
3. The Superintendent of Police, Sheohar
4. The Sub - Divisional officer, Sheohar
5. The Nagar Panchayat Sheohar through its Executive Officer, Sheohar
6. The Chairperson, Nagar Panchayat Sheohar, Sheohar
7. The Circle officer, Sheohar Sadar, Sheohar
8. The Officer In - Charge, Sheohar Police Station - Sheohar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Mohan, Advocate
For the State	:	Mr. Sarvesh Kumar, GP-24
For the Respondents No. 5 & 6	:	Mr. Devendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-09-2024 The present writ petition has been filed
seeking the following relief:-

*“1. That the present writ petition is being
filed on behalf of the petitioner for
issuance of a writ/writs, in the nature of
writ of Mandamus commanding the
respondents, especially the respondent
nos. 5 & 6, to desist and/or restrain
themselves from making any construction
or making any encroachment upon 38
decimal = 7 ½ Kattha land situated in*



C.S.P. no. 3134 & 3135, Khata no. 551, Tauzi no. 9384 and R.S.P. Khata no. 5527 & 5168/6440 already settled and mutated in favour of the petitioner, given under a settlement to his grand-father by the erstwhile Sheohar Raj in 1941 itself, and a Suit in respect of which is pending before the Civil Court of competent jurisdiction at Sheohar and for issuance of further order/orders, direction/directions to the respondents not to disturb the petitioner's natural right to air, light and easy access and grant further relief/reliefs in the facts and circumstances of the case, as the petitioner is entitled to."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the pending Title Suit bearing Title Suit No. 13 of 1995, which is pending before the learned Civil Court at Sheohar. It is also submitted that the petitioner would be filing appropriate petition in the aforesaid suit for removal of the obstruction created by the Nagar Parishad, Sheohar on the door and windows of the house of the petitioner, hence the same be also



directed to be decided expeditiously by the learned Trial Court.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition while granting liberty to the petitioner to prosecute the aforesaid pending Title Suit filed by him and in case appropriate petition is filed, as aforesaid, the learned Trial Court shall decide the same, forthwith.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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