

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14660 of 2023

1. Ajay Shekhar Mahto Son of Late Lakhan Matho Resident of village- Khaira Dargah, P.S and Anchal Rosera Dist- Samastipur.
2. Nityanand Mahto Son of Late Lakhan Mahto Resident of village- Khaira Dargah, P.S and Anchal Rosera Dist- Samastipur.
3. Raj Kumari Devi Wife of Ram Kalyan Mahto Resident of village- Khaira Dargah, P.S and Anchal Rosera Dist- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Deptt., Govt. of Bihar, Patna.
2. The Director, Revenue and Land Reforms Deptt., Govt. of Bihar, Patna.
3. The District Magistrate cum collector Samastipur.
4. The Additional collector, Samastipur.
5. The Sub Divisional Officer, Rosera, Dist- Samastipur.
6. The Deputy Collector, Land Reform, Rosera, Dist- Samastipur.
7. The circle officer, Rosera, Dist- Samastipur.
8. The Director General cum commandant general, Home Guard and Fire brigade services, Govt. of Bihar, Patna.
9. Syed Akwal Ahmad son of Late syed Maskur Alam, resident of village- Satmalpur, P.S and Anchal Warishnagar, Dist- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Advocate Mr. Shishir Kumar Shishir, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-04-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. (i) For issuance of writ in the nature of
Certiorari for quashing of order dated 31-
5-2023 issued by Collector, Samastipur
whereby he has given approval for*



transfer of land of petitioners bearing Khata No. 449, Khesra No. 586, Thana No. 74/2 Area 30 Dec, Mauza Sahiyar Bujurg, Anchal Rosera Dist-Samastipur to home guard and fire services, Bihar Patna for construction of Sub Divisional fire station building upon aforesaid land.

(ii) For issuance of writ in the nature of Mandamus commanding the Respondents to not dispossess the petitioners from aforesaid land bearing Khata No. 449, Khesra No. 586, Thana No. 74/2 Area 30 Dec Mauza Sahiyarpur Bujurg, Anchal Rosera, District-Samastipur till decision of Title Suit No. 179/2015 pending before Learned Munsif, Rosera, Dist- Samastipur in which matter of aforesaid land has been adjudged.

(iii) For commanding the Respondents to not make any construction of fire station building upon aforesaid land of petitioner till decision of Title suit No. 179/2015 pending before learned Munsif, Rosera, Dist- Samastipur.

(iv) For issuance of writ to restrain the Respondents to take any action with respect to aforesaid land of petitioners till decision of Title suit No. 179/2015 adjudged before learned Munsif, Samastipur."

2. At the outset, the learned counsel for the



respondent-State has pointed out that a title suit bearing Title Suit No. 179 of 2015 is pending consideration before the learned Court of Munsif, Rosera, District-Samastipur, hence the petitioners should approach the learned trial court for grant of injunction or any other reliefs, as aforesaid.

3. At this juncture, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the learned trial court for prosecuting the aforesaid title suit bearing Title Suit No. 179 of 2015. Liberty, so sought, is granted.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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