

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15013 of 2024

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Suresh Ray Son of Ramdev Ray, Resident of village- Mehsaul, Ward No.- 06,
P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Sub-Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
5. The Deputy Superintendent of Police, Sitamarhi.
6. The Circle Officer, Sitamarhi.
7. The S.H.O. Runnisaidpur, District- Sitamarhi.
8. Vinod Kumar Shahi, Son of Narendra Shahi Resident of village- Mehsaul, P.S.- Runnisaidpur, District- Sitamarhi.
9. Pravin Kumar, Son of Ram Pratap Ray Resident of village- Mehsaul, P.S.- Runnisaidpur, District- Sitamarhi.
10. Nagendra Shahi, Son of Ram Lakhan Shahi Resident of village- Mehsaul, P.S.- Runnisaidpur, District- Sitamarhi.
11. Randhir Kumar @ Shubhan, Son of Vinod Kumar Shahi Resident of village- Mehsaul, P.S.- Runnisaidpur, District- Sitamarhi.
12. Parvir Kumar @ Chhotu, Son of Vinod Kumar Shahi Resident of village- Mehsaul, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate
For the Respondent/s : Mr. Subhash Chandra, SC-26

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-10-2024 Heard the parties.

2.The petitioner has invoked the jurisdiction of this Court seeking a direction upon the State officials to restrain the private respondent nos. 8 to 12 to construct a temple over the land, in question, which is the purchased land of the petitioner.



3. Learned Advocate for the petitioner contended that the land, in question, was purchased by the petitioner on 03.03.2022 and since then, he has been coming in the peaceful possession over the same. While the petitioner was enjoying the peaceful possession over the land, in question, in the meanwhile, the respondent no. 10 with the help of some unscrupulous persons, in order to capture the land, illegally started construction of a temple over it. Aggrieved by the action of the private respondents, the petitioner approached before the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi. The proceeding under Section 144 Cr.P.C., had been initiated and subsequent thereto, notice under Section 145 Cr.P.C was also issued by the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi on 14.07.2022. Despite the aforesaid fact, the private respondents kept on continuing with the illegal construction of temple over the land, in question.

4. Learned Advocate for the State submits that the matter is pending before the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi, who is, in seisin, of the matter and, moreover, the notice has already been issued. Thus, the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi, who is the competent authority, shall look into the matter and pass appropriate order.



5. Considering the submissions advanced on behalf of the respective parties, the present writ petition stands disposed off with a liberty to the petitioner to pursue his remedy before the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi, who is the authority in seisin of the matter to look into the grievance of the petitioner and pass appropriate order, in accordance with law, if there is any reason or occasion, which will cause breach of peace.

6. The writ petition, accordingly, disposed off with the liberty aforesaid.

(Harish Kumar, J)

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