

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17444 of 2023

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Raju Kumar Singh Son of Late Ram Raj Singh Resident of Village- South Ekawana, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. Superintendent of Police, Bhojpur at Ara.
4. The S.D.O., Sadar Ara, District- Bhojpur.
5. The Circle Officer, Udwant Nagar Anchal, District- Bhojpur.
6. S.H.O., Udwant Nagar Police Station, District- Bhojpur.
7. Prem Pankaj @ Lalan, Son of Late Rajendra Prasad Resident of Village- Banstal, Ara Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Respondent/s : Mr.Kumar Alok (Sc 7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“(1) For issuance of writ in the nature of Mandamus or any other appropriate writ or directions to the respondents to protect the right title and possession of petitioner over the land situated at Mauza Ekawana, Khata no. 62, Khesra-1925, area 62.5 decimal, Anchal Udwant Nagar, Thana No.354, in view of order passed in Section 145 Cr. P.C. proceedings, vide order dated 26.2.80, in case No. 375/73. (Annexure-1) and direct the S.D.M., Ara Sadar to maintain peaceful possession of petitioner.



(II) For issuance of writ in the nature of Mandamus or any other appropriate writ or directions to the respondents to maintain peaceful possession of petitioner's land and a direction be also issued to restrain the respondent no. 7(purchaser) from disturbing the peaceful possession of petitioner who is adamant to disturb the possession of petitioner and not to change the nature of land since Respondent No.7 is making construction over the land on a war footing.

(III) For issuance of writ in the nature of Mandamus to the respondents to protect constitutional right Granted Under Article300(A) of the Constitution of India.”

2. At the outset, the learned senior counsel for the petitioner seeks liberty on behalf of the petitioner to prosecute the title suit, filed by the petitioner, bearing Title Suit No.521 of 2017, which is pending consideration before the learned Court of Sub-Judge-VI, Bhojpur at Ara as also the Miscellaneous Appeal, filed by the petitioner bearing Miscellaneous Appeal No.15 of 2019, pending before the learned Court of ADJ-XVII, Bhojpur at Ara, against the order dated 12.02.2018, passed by the learned Court of Sub-Judge-VIII, Bhojpur at Ara, refusing grant of injunction in favor of the petitioner in Title Suit No.163 of 1990.



3. The learned senior counsel for the petitioner also seeks liberty on behalf of the petitioner to prosecute the title suit, filed by the vendor of the private respondent no.07 i.e. Title Suit No.163 of 1990, which has been pending consideration, before the learned Court of Sub-Judge-VIII, Bhojpur at Ara, however, seeks some protection, during the interregnum period.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner as also the private respondent no.07 to agitate their respective grievances, before the learned trial Court in the pending cases, as aforesaid, however, in the interest of justice and considering the fact that the predecessor Court had granted interim order, vide order dated 12.12.2023, passed in the present case, to the effect that no further construction shall be made on the land in question, I deem it fit and proper to extend the said interim order for a further period of four weeks from today, in order to enable the parties to seek interim relief from the learned trial Court.

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

(Mohit Kumar Shah, J)

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