

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2381 of 2025

1. Kameshwar Yadav S/O Dhaneshwar Yadav, R/O Village- Manikpur, Ward No. 01, P.S.-Madhepura, District- Madhepura.
2. Surendra Yadav, S/O Late Dhaneshwari Mandal, Resident of Village Manikpur, P.S.- Madhepura, District- Madhepura
3. Ashok Yadav @ Paltu Yadav, S/O Late Dhaneshwari Mandal, Resident of Village Manikpur, P.S.- Madhepura, District- Madhepura.
4. Kuleshwar Yadav, S/O Late Dhaneshwari Mandal, Resident of Village Manikpur, P.S.- Madhepura, District- Madhepura, Bihar.
5. Rajendra Prasad Yadav @ Rajendra Yadav, S/O Late Dhaneshwari Mandal, Resident of Village- Manikpur, P.S.- Madhepura, District Madhepura.
6. Most. Shanti Devi, W/O Late Dinesh Yadav, Resident of Village Manikpur. P.S.-Madhepura, District- Madhepura, Bihar.
7. Deepak Kumar S/O Late Didnesh Yadav, Resident of Village- Manikpur, P.S.- Madhepura, District- Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhepura.
2. District Magistrate, Madhepura.
3. The Circle Officer, Madhepura.
4. The Executive Engineer, Building Construction Department, Madhepura.
5. The Junior Engineer, Building Construction Department, Madhepura.
6. The Station House Officer (SHO), Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Advocate Mr. Arun Bharti, Advocate Mr. Akash Raj, Advocate Mr. Shubham Kumar, Advocate
For the Respondent/s	:	Mr. Santosh Chandra Bhaskar, AC to GP-11

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 20-02-2025

Heard Learned Counsel for the petitioners and
Learned Counsel for the State.



2. The present writ petition has been filed for quashing the order dated 29.11.2024 passed by the Collector, Madhepura, in Sanchika No.VII-320/24 by which the representation dated 02.09.2024 filed by the petitioner to stop the work of construction of Registry Office, Madhepura, has been rejected. The further prayer has been made to maintain the status quo on the land in question till pendency of litigation between the parties before Civil Court as well as to restore the status quo ante honoring the judgment and decree dated 23.08.2024 passed by Subordinate Judge, Madhepura in Title Suit No.134 of 2023. Further prayer has been made for a direction to the respondent authorities to pay compensation of rupees ten lakhs for the mental and physical agony.

3. Learned Counsel for the petitioner submits that the land on which the respondent authorities are constructing the Registry Office is the land measuring an area of 40 decimals appertaining to Thana No.62, Khata No.1467, Plot No.7372, situated at Mauza-Manikpur, District- Madhepura. Counsel submits that a Title Suit No.134 of 2023 has been decided by the Court of Sub-Judge-1st, Madhepura, in favour of the petitioner, but even then the respondent authorities has not stopped the construction and construction of Registry Office is



going on. Counsel for the petitioners submits that the petitioners have moved before this Hon'ble Court in CWJC No.14616 of 2024 in which vide order dated 28.10.2024, it was directed that the respondent No.2 the District Magistrate, Madhepura, shall take a decision on the representation dated 02.09.2024 of the petitioners within a period of one month from the date of receipt/production of a copy of the order keeping in mind the fact that for the present the land-in-dispute has been decided by the Court of competent civil jurisdiction. It was specifically directed by District Magistrate, Madhepura, not to proceed further construction over the land of the petitioners until he takes a decision on the representation of the petitioners dated 02.09.2024.

4. Learned Counsel further submits that the order has been passed on the representation of the petitioners on 29.11.2024, in which the District Magistrate has decided to reject the representation of the petitioner with specific finding that the disputed land shall be subject to the decision of the Title Appeal No.20 of 2024 filed by Bihar Government pending before the Principal District Judge, Madhepura.

5. Learned Counsel further submits that the original Court has reached on the finding that the suit is decreed



without cost, title and possession of the plaintiff over the suit land is declared and R.S. Khatiyani entry in respect of the suit land in the name of Anabad Bihar Sarkar and Anabad Sarv Sadharan are declared null, void and not binding upon the plaintiffs. But the said order passed by the original Court was stayed by order dated 13.11.2024 passed by Principal District Judge Madhepura in Title Appeal No.20 of 2024 filed by the State of Bihar. Counsel submits that the said order passed in Title Appeal No.20 of 2024 has been challenged by the petitioners in Civil Miscellaneous Case No.84 of 2024 and the said order of stay dated 13.11.2024 has been set aside as State has no objection in setting aside the said impugned order dated 13.11.2024 passed in Title Appeal No.20 of 2024 by this Hon'ble Court. From the order passed in Civil Misc. No.84 of 2024, it transpires to this Court that this Hon'ble Court has directed to dispose off the Title Appeal No.20 of 2024 within a period of three months from the date of receipt/production of a copy of the order.

6. Learned Counsel for the State submits that stand of State is very clear that any construction on the disputed land shall be subject to the final decision of Title Appeal No.20 of 2024.



7. From the pleadings of the parties, it transpires to this Court that Collector, Madhepura, hereby accepts that he shall be binding by the decision of Title Appeal No.20 of 2024. Counsel for the State submits that from the supplementary affidavit, it transpires that construction of Registry Office, Madhepura, is in full swing and foundational pillar as well as boundary has been completed.

8. After hearing the parties, it transpires to this Court that the right to property is not the fundamental right; rather it is a constitutional right and if the State representative is ready to accept the decision of the Title Appeal, then in that case this Court only observes that in case the Title Appeal shall decide in favour of the petitioners, then in that case the respondent/State shall pay the compensation amount to the petitioners on the basis of the price of the land on the date of the judgment of the title appeal with 6% interest per annum from the date of judgment passed in the title suit.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2025
Transmission Date	NA

