

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19071 of 2016

1. Shamshad Alam
2. Md. Pervez Alam, Both son of Late Md. Hasibur Rahman, resident of Nawa Mankar, P.S. Jokihat District Araria, At Present resident Uttar Pali Atlama Ekbal Nagar Sector-3, P.S. and District Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Kishanganj District Kishanganj.
3. The Subdivisional Officer, Kishanganj, District Kishanganj.
4. The Circle Officer Kishanganj P.S. and District Kishanganj. null null
5. Md. Jawed Alam Son of Gulam Jilani resident of Village Gargaqrh Post Gendabari P.S. Gowal, Pokhar District- North Dinajpur At present resident of Mohammad Nagar Near C.W.J.C. Gudana Pachchia Pali, P.S. District- Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr. Birendra Prasad Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2025 Heard the parties.

2. The present petition has been preferred for the grant of following relief(s):

“(i) for issuance of writ in the nature of Mandamus and direction to the respondent no.3 S.D.O. Kishanganj for start proceeding under section 144 Cr.P.C. in Khata no. 24 Plot no. 389, 390 Area 9 Decimal 1 Kari at Mauza Ghoramara Kishanganj.



(ii) for issuance to directed to respondent authority who immediate stop the construction upon the Plot No. 389, 390 which was petitioners land. He is bonafide purchaser but illegally respondent No.5 started construction petitioner's land.

(iii) for issuance direction to the respondent who taken step against the respondent no.5 who not stop the construction upon the land after file d representation all concerned respondent.

(iv) to grant any other relief to which the petitioners are found entitled in the fact and circumstance of this case.”

3. At the outset, it has been pointed out by learned State counsel and not rebutted by learned counsel for the petitioner that a Title Suit No. 120 of 2016 is pending before competent civil court, Kishanganj.

4. In that background, it is the opinion of the Court that the petitioner should pursue the Title Suit No. 120 of 2016 before competent civil court and the outcome shall govern their status.



5. Needless to add, if there is any breach of peace, the competent respondents are duty bound to look into the matter and do the needful.

6. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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