

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10999 of 2025**

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Rajendra Yadav, S/o Late Khiru Yadav @ Khiru Gope Resident of Village-  
Pali, P.S.- Kawakol, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The District Collector-cum- District Magistrate, Nawada.
3. The Circle Officer, Kawakol, Nawada.
4. The Executive Engineer (P.W.D.), Building Construction Division, Nawada.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Sheo Kumar Prasad- Advocate |
| For the Respondent/s | : | Mr. Government Pleader (07)     |
|                      |   | Mr. AC to GP-7                  |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      31-07-2025                      1. Heard learned counsel for the petitioner and  
learned AC to GP-7 for the State.

2. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed for a direction upon the authorities not to proceed with the construction of Public Utility Building over the raiyati land of the petitioner appertaining to Khata No.02 (Old), 467 (New), Khesra No.320 (Old), 450 (New), area 79 decimal and Khata No.02 (Old), 467 (New), Khesra No.320 (Old), 455 (New), area 07 decimal, Mauza- Pali, Nawada.

3. It is submitted that the land in dispute was settled by the Ex-landlord in favour of Khiru Gope by a Hukumnama



dated 29 Bhado 1355 Fasli (Annexure-1). It is next submitted that Khiru Gope was father of the petitioner and after the land was settled by the Ex-landlord in favour of the father of the petitioner, his father and thereafter petitioner came in possession over the land in dispute. It is further submitted that Jamabandi No.93/2 was created in the name of Khiru Gope. It is also submitted that rent of the land in dispute is being paid and the same has been paid up-to-date.

4. It is next submitted that all of a sudden, the authorities came on the land in dispute with JCB Machine for the purposes of constructing an Utility Bhawan. The petitioner on coming to know about the same issued notice under Section 80 C.P.C. to the Collector, Nawada with a prayer not to construct any building on the raiyati land of the petitioner, but the authorities did not reply to the notice sent under Section 80 C.P.C. rather proceeded with the construction, as such, the petitioner moved before the learned trial Court by filing T.S. No.85 of 2025 in the Court of the learned Munsif, Nawda for declaration of his title and also for declaring that entry made in the Khatian is incorrect and also sought permanent injunction. Further, the petitioner also filed an application under Order-39, Rule 1 and 2 of the C.P.C. for restraining the respondent-



authorities from taking forcible possession of the land in dispute. It is submitted that the authorities are aware of the pendency of T.S. No.85 of 2025, but then, have not appeared and proceeded with the construction and the application of the petitioner filed under Order 39, Rule-1 and 2 C.P.C. is pending adjudication before the learned trial Court, as such, the petitioner had to rush to this Court for seeking the aforesaid relief.

5. The learned counsel appearing on behalf of the State submits that in the nature of fact as pleaded and submitted by the learned counsel appearing on behalf of the petitioner, no relief can be granted to the petitioner for the reason that petitioner for the same relief has already approached a Court of competent civil jurisdiction and has filed an application Order 39, Rule-1 and 2 C.P.C., as such, by filing the instant writ application, the petitioner is pursuing two parallel remedies, on which the learned counsel appearing on behalf of the petitioner fairly submits that since his application under Order 39, Rule-1 and 2 C.P.C. is pending adjudication and the authorities, despite being aware of the pendency of the Title Suit, are proceeding with the construction, hence the petitioner was left with no option but to move before this Court.



6. The Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the State and thus, finds no merit in the writ application, as such, the writ application is dismissed.

7. However, the dismissal of the writ application will not preclude the petitioner from pursuing the title suit which the petitioner has filed and is pending adjudication before the learned trial Court.

**(Satyavrat Verma, J)**

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