

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18506 of 2011

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1. NAND KUMAR SINGH and ANR S/O Late Ram Jatan Singh R/O Vill Rampur Gangouli, P.S.Riga, Distt-Sitamarhi
 2. Kanhaiya Kumar Singh S/O Late Shatrughan Singh Widow Mother Poonam Devi R/O Vill Rampur Gangouli, P.S.Riga, Distt-Sitamarhi

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. The District Magistrate Sitamarhi
3. The Sub-Divisional Officer Sadar, Sitamarhi
4. The Circle Officer Riga , Sitamarhi
5. Brajendra Singh S/O Late Ram Bharoshi Singh R/O Vill Rampur Gangouli, P.S.Riga, Distt-Sitamarhi
6. Narendra Singh S/O Late Ram Bharoshi Singh R/O Vill Rampur Gangouli, P.S.Riga, Distt-Sitamarhi
7. Rameshwar Singh S/O Late Shiv Nandan Singh R/O Vill Rampur Gangouli, P.S.Riga, Distt-Sitamarhi

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Awadh Bihari Ojha, Advocate
	:	Mr. Dharmendra Choudhary, Advocate
	:	Mr. Ramesh Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA-7
	:	Mr. Shiv Kumar, AC to GA-7

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

19 25-07-2025 Heard learned counsel for the petitioners and learned counsel for the Respondent-State.

2. With the consent of both the parties, the writ application is being decided at this stage itself.

3. This writ application has been filed for issuance of writ of mandamus to the respondents to get the encroachment removed from Plot No. 6640, *Khata* No. 929, which as per the



petitioners is recorded as *gairmajarua aam*.

4. During the course of argument, learned counsel for the Respondent-State submitted that the land in question is a subject matter of title dispute in Title Suit No. 322/2013 which is currently pending adjudication before the Court of Sub Judge-I at *Sitamarhi*. Copy of the plaint filed in Title Suit No. 322/2013 which has been annexed as Annexure-P/6 to the supplementary-affidavit filed on behalf of the petitioners reveals that the plaintiffs of this case namely, Brajendra Singh and Narendra Singh are also the party-respondents in this writ application who have been characterized as encroachers by the petitioners. Schedule-I of the plaint reveals that the same Plot No. 6640, *Khata* No. 929 is a subject matter of title dispute in the ongoing title suit.

5. Learned counsel appearing for the Respondent-State also attracts the attention of this Court to an interim order dated 22.11.2013 which has been brought on record as Annexure-D to the supplementary counter-affidavit, from the perusal of which it is clear that an order has been passed in Title Suit No. 322/2013 for maintaining *status quo* over the land and the building.

6. Considering the fact that the land in question i.e.,



Plot No. 6640, *Khata* No. 929 is a subject matter of title dispute in Title Suit No. 322/2013 which is still pending adjudication and further that there is an order of *status quo* dated 22.11.2013 operating over the land and the building, in such circumstance the relief as prayed for in the present writ application cannot be granted, in fact, it would be appropriate to observe that in these circumstances, the writ application for the relief as claimed therein would not be maintainable. For the reasons as recorded above, the present writ application is dismissed. All pending Interlocutory Applications, if any shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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