

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.655 of 2025

In

Civil Writ Jurisdiction Case No.13492 of 2014

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1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
 2. The District Magistrate, Patna.
 3. The Circle Officer, Patna Sadar, Patna.

... .. Appellant/s

Versus

1. Anil Kumar Son of Late Ram Chandra Ray, Resident of Village Digha Ghat, Chouhatta, Gandhi Gali, P.O. and P.S. Digha, Patna.
2. Ram Bharosa Rai Son of Late Mangal Rai, Resident of Village Digha Ghat, Post Office Road, P.O. and P.S. Digha, District Patna.
3. The Deputy Chief Engineer (Construction) Ganga Rail Pul (E C Railway), Digha Ghat, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13492 of 2014

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1. Anil Kumar son of Late Ram Chandra Ray resident of village - Digha Ghat, Chouhatta, Gandhi Gali, P.O. and P.S. Digha, Patna
 2. Ram Bharosa Rai son of Late Mangal Rai resident of village - Digha Ghat, Post office Road, P.O. and P.S. Digha, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms Government of Bihar, Patna
2. The District Magistrate, Patna
3. The Circle Officer, Patna Sadar, Patna



4. The Deputy Chief Engineer, (Construction) Ganga Rail Pul (E C Railway),
Digha Ghat, Patna

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 655 of 2025)

For the Appellant/s : Mr. P.K. Shahi, Advocate General
Mr. Manish Dhari Singh, Advocate
For the Respondent/s : Mr. Hitesh Suman, Advocate
Ms. Sunidhi Vimal, Advocate

(In Civil Writ Jurisdiction Case No. 13492 of 2014)

For the Petitioner/s : Ms. Shashi Priya, Advocate
Mr. Hitesh Suman, Advocate
Ms. Sunidhi Vimal, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 07-07-2025

Re: I.A. No. 01 of 2025

The learned counsel for the appellants/applicants
presses I.A. No. 01 of 2025 seeking condonation of delay of
48 days in preferring this appeal.

2. For the reasons stated in the Interlocutory
Application, the delay of 48 days in preferring this appeal is
condoned.

3. The Interlocutory Application No. 01 of 2025



stands allowed.

Re: LPA No. 655 of 2025 & CWJC No.13492 2014

4. Heard the learned Advocate General for the appellant/State and Mr. Hitesh Suman, learned Advocate for Respondent Nos. 1 and 2.

5. A writ petition was filed by the respondents vide CWJC No. 13492 of 2014 claiming possession of the land in question and seeking alternative relief of securing their possession as also a direction to the State to acquire the property/land for the purposes of construction of railway bridge over river Gangage and pay compensation to them.

6. A learned Single Judge of this Court in the aforementioned writ petition vide his order dated 23.01.2015 took note of the contention of the writ-petitioners, viz. of their being in possession of certain plots of land which they had inherited from their ancestors, who in turn had got into possession of the lands in question by way of settlement by the erstwhile province of Bihar.

7. The learned Single Judge had also noted that the controversy had been set at rest by the judgment of a learned Single Judge dated 15.05.2014 passed in CWJC No.



20002 of 2013 in which it was held that the land in question though fell under the Digha-Diara Khasmahal lands but in view of the history of the settlement, it would not be a Khasmahal land and, therefore, it could have been settled by the provincial Government in favour of the settlees.

8. On the basis of the aforementioned judgment dated 15.05.2014, the learned Single Judge in CWJC No. 13492 of 2014 directed for maintaining *status quo* as existing on that date with the liberty to the State and the Railways to file counter affidavit.

9. The decision of the learned Single Judge in CWJC No. 20002 of 2013, holding the settlement of land in favour of the writ-petitioners (respondents herein) as valid was upturned in appeal (LPA No. 34 of 2015) vide judgment dated 15.12.2015.

10. In the aforementioned appeal, it was categorically held that the issue with respect to settlement of land in favour of the respondents had to be resolved only by way of Civil Suit and not otherwise. After having said so, the Division Bench further clarified that the writ-petitioners/respondents herein shall not create any further



hindrance in the execution of the Digha Railway Bridge Project and the respondents/State shall be at liberty to proceed in accordance with law for removal of any encroachment.

11. It is quite apparent that the judgment in appeal came only after the order in CWJC No. 13492 of 2014 was passed on 23.01.2015, whereby *status quo* was directed to be maintained.

12. The State thereafter filed an application (I.A. No. 6750 of 2017) for vacation of the *status quo* order, but the I.A. was not decided. Rather, by order dated 07.04.2025, a learned Single Judge of this Court noted the claims of the writ-petitioners/respondents and directed the writ petition to be listed after the disposal of the Title Suit (Title Suit No. 467 of 2017) for declaration of title of the writ-petitioners on the land in question, which is pending before the Court of Sub Judge-I, Patna

13. This, therefore, leaves the order of *status quo* intact, thereby creating hindrance for the State in carrying out its project of the construction of 6 Lane H.L./Cable Bridge on river Ganga parallel to the western side of Digha-



Sonepur Rail-cum-Road Road Bridge at Patna on NH-139W.

14. The appellant/State has also brought to the notice of this Court that the estimated cost of the project is approximately 2221.47 crores in which the date of award (LOA) is 15.02.2024. The agreement has been signed on 26.02.2024 and the schedule date of completion of the project has been kept at 02.11.2027.

15. With the consent of the parties, therefore, we deem it appropriate to dispose off the writ petition itself *i.e.* CWJC No. 13492 of 2014 along with this appeal.

16. The claim of the writ-petitioners *prima facie* was accepted on the basis of judgment passed by a learned Single Judge in CWJC No. 20002 of 2013, which now stands upturned by a Division Bench of this Court in L.P.A. No. 34 of 2015 vide judgment dated 15.12.2015.

17. In this view of the matter, the writ-petitioners/respondents herein could only be given the relief of the liberty to pursue the Title Suit with respect to the land in question before the learned Sub Judge-I, Patna and there shall be no interim order in their faour.



18. As held by the Division Bench in L.P.A. No. 34 of 2015, the appellant/State shall be at liberty to proceed with the construction of the railway bridge about which reference has been made in the preceding paragraph of the judgment.

19. It is needless to state that in case the writ-petitioners succeed in the Title Suit, they would at best be entitled for the compensation.

20. The writ petition as well as the Letters Patent Appeal are disposed off accordingly.

21. Interlocutory Application(s), if any, shall also stand disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

P.K.P./Avinash

AFR/NAFR	
CAV DATE	
Uploading Date	07.07.2025
Transmission Date	

