

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14238 of 2025

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Jabir Hussain S/o Late Mubarak Ali, R/o Village/Mohalla- Kusahan Maker,
P.S.- Maker, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The Deputy Collector Land Reforms, Sadar, Chapra.
4. The Sub-Divisional Officer, Sadar, Chapra.
5. Smt. Nirmala Kumari, The Circle Officer, Maker, District Saran.
6. The SHO, Maker Police Station, District Saran.
7. Md. Harun, S/o Late Nizamuddin, R/o Village Balhan Baligaon, P.S. Parsa, District- Saran, presently residing at Village/Mohalla- Kusahan Maker, P.S.- Maker, District- Saran.
8. Mumtaz Ali, S/o Late Md. Ismail, R/o Village/Mohalla- Kusahan Maker, P.S.- Maker, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bishwajeet Singh, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-09-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking for the following relief(s):

"1. That this writ application is being filed for the issuance of Writ of MANDAMUS, commanding the respondent no. 5 to not to interfere in the construction of bathroom, which is being constructed by the petitioner on his own land towards the back side of the house, with which, private respondent no. 7 has no concern, but in order to create disturbance in the



peaceful possession of the petitioner, he has been making nuisance by misrepresenting and misleading the circle officer.

AND, for issuance of Writ of MANDAMUS, commanding the respondent no. 2 to 6 to make an on-spot enquiry as the claim of private respondent no. 7, who is residing over a portion of khatiyani land recorded in the name of grand father of the petitioner, which was given to him on oral agreement.

AND, for issuance of appropriate Order or Orders, Direction or Directions for which the petitioner may be found entitled to."

2. Heard learned counsel appearing for the petitioner as well as learned counsel appearing for the State/respondents.

3. From perusal of the writ petition, it appears that a Partition Suit bearing no. 17 of 2023 is pending in between the petitioner and respondent no.7 and others and the main grievance of the petitioner is that the respondent no.7 is creating obstruction in the construction of a washroom which is being constructed by the respondent no.8 over the plot no. 5254, which is also a part of the subject matter of the said Partition Suit and for redressing the same, the petitioner has submitted representations before the administrative authorities by way of Annexures P/4 to P/8, however, no action has been taken on all these representations. Since the land in question over which the



respondent no.8 is constructing the washroom, forms part of the suit land in the Partition Suit which is admittedly running in between petitioner and respondent nos. 7 and 8, so, the petitioner has efficacious remedy to raise his grievance before the concerned court where the Partition Suit is running or he may take appropriate legal steps by initiating separate proceedings as per the provision of law. The petitioner has not made out a case for invoking the writ jurisdiction for redressal of his grievance.

4. Accordingly, this writ petition stands dismissed.

(Shailendra Singh, J)

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