

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16779 of 2025

=====

Ashik Ansari @ Ashique Ansari S/o Late Gaffar Ansari, Resident of Gaffar Market, Dinara Road, Kochas, District-Rohtas- 821112.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Bihar Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Bihar Patna.
3. The Collector, Rohtas.
4. The Deputy Collector Land Reforms, Rohtas.
5. The Sub-Divisional Officer, Rohtas, Sasaram.
6. The District Sub-Registrar, Registration, Rohtas, Sasaram.
7. The Circle Officer, Kochas, Rohtas.
8. The Executive Officer, Nagar Panchayat, Kochas, Dist.- Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar, Adv. Mr. Kumar Satyam, Adv.
For the Respondent/s	:	Mr. Raghwendra Kumar, SC-22 Mr. Vipin Kumar Singh, AC to SC-22

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

"i. For issuance of appropriate Writ in the nature of Certiorarified Mandamus to set aside the letter no.-121 dated 05.02.2024 by which the Circle Officer has given 'no objection' for construction of Bus Stand over



the proposed land falling under Mauza-Kochas, Thana Kargahar, Tauzi no.-5473, C.S Khata No.-312/ R.S Khata-753, C.S Khesra No.-2224 and 1736/R.S Khesra 3508, 3509, 2823 area-3.54 Acre, settled in favour of Grandfather of the petitioner namely Late Farjand Mia by the Ex-landlord in the year 1944 for which return was filed and jamabandi created along with Eight decimal of land having Mauza- Kochas, Thana no.-285, Tauzi no.-5473, Khata No.-1066, Khesra No.-226 purchased by his grandfather through the registered Sale-Deed from the owner namely Mahip Dubey, Baijnath Dubey and Siddhnath Dubey, without adopting legal procedure like acquisition or by any authority of Law as enshrined under Article 300A of the Constitution of India and further restraining the respondents from construction of Bus Stand over the agricultural land of the petitioner.

ii. For further kind indulgence of this Hon'ble Court to direct the respondents not to start the construction work and not to disturb over the peaceful possession of the petitioner by maintaining the status-quo over the said land in question during the pendency of the present writ petition as well as the Title Suit being T.S No.-734/2024 (Ashique Ansari Vs. State of



Bihar and others) pending before the Civil Judge, Senior Division-I, Sasaram, Rohtas.

iii. For any other relief/reliefs which the Hon'ble Court may grant in general interest. "

2. Mr. Avinash Kumar, learned counsel appearing for the petitioner and Mr. Raghwendra Kumar, learned counsel appearing for the State-respondents are present and they are heard.

3. The main issue raised by the petitioner is that the Circle Officer vide his letter no. 121 dated 05.02.2024 has given no objection for the construction of the bus stand over the proposed land falling under Mauza- Kochas, Thana -Kargahar, Tauzi no.-5473, C.S Khata No.-312/ R.S Khata-753, C.S Khesra No.-2224 and 1736/R.S Khesra 3508, 3509, 2823 having an area of -3.54 Acre, and the said land belongs to the petitioner and was earlier settled in favour of grand-father of the petitioner by the then ex-landlord in the year 1944 pursuant to which rent was paid and *Jamabandi* was also created and petitioner's another land of 8 decimals concerned to the said issue is situated in Mauza- Kochas, Thana no.-285, Tauzi no.-5473, Khata No.-1066, Khesra No.-226, was purchased by the petitioner's grand-father through registered sale deed from the



owners namely, Mahip Dubey, Baijnath Dubey and Siddhnath Dubey.

4. From perusal of the averments made in this application, it appears that the petitioner has already filed a suit before the Court of Sub-Judge-I, Sasaram bearing Title Suit No. 734 of 2024 in which he has made a prayer for injunction for restraining opposite party and the same is pending for consideration, though the Court of Sub-Judge is presently vacant but in view of the pendency of the Civil Suit, this court finds that the said issue raised by the petitioner in this application is premature for consideration under Article 226 of the Constitution of India though petitioner's other land pertaining to Mauza- Kochas, Thana no.-285, Tauzi no.-5473, Khata No.-1066, Khesra No.-226, which is said to have been purchased by petitioner's grand-father through a registered sale deed is not a subject matter of the Title Suit No. 734 of 2024 as stated by the petitioner's counsel but the petitioner can file an application before the trial court for amending the plaint as well as reliefs in his Title Suit No. 734 of 2024 or file a fresh suit as per the provisions of civil laws and the best forum for deciding the issue raised by the petitioner in this writ application is the civil court.



5. Accordingly the instant writ application stands disposed of with giving direction to the District Judge, Sasaram to transfer the petitioner's Title Suit No. 734 of 2024 to the running court and upon such transfer the concerned Sub-Judge, shall decide the petitioner's injunction application at the earliest preferably within three months from the date of transfer of the case.

(Shailendra Singh, J)

Rajiv/-

U			
---	--	--	--

