

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.889 of 2026

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Suresh Chaudhary S/o- Late Dodhai Chaudhary @ Sukhdev Chaudhary, R/o- Ward No.06, Baidynathpur, P.O. Baidynathpur P.S.- Rosera, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
2. The Collector, Samastipur, Bihar.
3. The Sub Divisional Officer, Rosera, Samastipur.
4. The Circle Officer, Rosera, Samastipur, Bihar.
5. The Block Development Officer, Rosera, Samastipur, Bihar.
6. Shrimati Prema Devi, Mukhia, Village Panchayat Raj Motipur, P.S.- Rosera, District- Samastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Respondent/s : Mr. Santosh Chandra Bhashkar, AC to GP 11

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-01-2026 Heard Mr. Piyush Kumar, learned counsel appearing on behalf of the petitioner and Mr. Santosh Chandra Bhashkar, learned AC to GP 11 for the State.

2.Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“I. For issuing a writ like mandamus directing the respondents to refrain from making a PACS godown on the land belonging to the petitioner, which is the subject matter of the Title Suit 322/2018(TS 89/2018), currently pending in the court of Learned Munsif, Rosera.

II. For issuing a mandamus to the respondents to maintain the status quo over the subject matter of the land, which is the subject matter of the Title Suit no.322/2018.

III. For issuing a writ of mandamus to the respondent by issuing a direction not to interfere with the petitioner’s right to cultivate the suit land.

IV. For any other relief/reliefs to which the



petitioner is found entitled tin the facts and circumstances of this case and in the interest of justice.”

3. Learned counsel appearing on behalf of petitioner seeks to Add Article 227 of the Constitution of India for entertaining the present writ petition in course of the day and he will also deposit the required court fees today, in the background of the fact that the petitioner is aggrieved by inaction on part of the learned District Court, where an application under Order 39 Rule 1 and 2 of CPC has been filed in Title Suit No.322/2018 (TS No.89/2018) and the same is pending till date.

4. Learned counsel is permitted to do so.

5. Considering the nature of relief as sought for in the present writ petition, I find that the subject matter of the present writ petition is same to that of title suit which has been filed in respect of piece of land, appertaining to old Khata No.340, Old Khesra No.1519 corresponding to New Khata No.1115, New Khesra No.2855, total area of 72 decimals. Petitioner has claimed that he is in possession of the said piece of land and recently during the pendency of title suit, an injunction petition was filed before the learned District Court but in spite of that, the Circle Officer, Rosera, Samastipur, who is also party to the said suit, has issued no objection certificate to the Mukhiya of the Gram Panchayat, Motipur for construction of Primary



Agricultural Credit Societies Godown (PACS Godwan).

6. In view of the above information brought on record, I direct the petitioner and the respondents no.2 to 5 to appear before the learned District Court concerned where Title Suit No.322/2018 (TS No.89/2018) is pending. In case respondents no.2 to 5 seek to file objection to the petition filed for injunction on behalf of the petitioner, the same be filed within a week from date of communication of this order.

7. I find that no notice is required as the District Magistrate, Samastipur and other government officials are represented by the learned State counsel / Mr. Santosh Chandra Bhaskhar. The parties are directed to appear before the learned District Court on 09.02.2026 at 10:30 a.m., so that expeditious action can be taken, considering that the petitioner has made out a case that as on date, he is in possession of the property as mentioned above.

8. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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