IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5255 of 2024

CNR No. BRHC010199182024

==========

Sampat Singh S/o Late Ratan Singh, R/o Mohalla - Ahirpurawa, Ward No. 29, Mahabir Akhada, By Pass Road, P.S. Ara Nagar, District Bhojpur.

... ... Petitioner/s

Versus

1. The State of Bihar through District Magistrate Bhojpur at Ara.
2. The S.D.M. Sadar Bhojpur at Ara.
3. The Circle Officer Sadar Bhojpur at Ara.
4. The Superintendent of Police Bhojpur at Ara.
5. The S.H.O. Town thana Ara.
6. The Town Commissioner, Ara Municipal Coporation, Bhojpur at Ara.

... ... Respondent/s

==========

Appearance :

For the Petitioner/s	:	Mr.Raju Kumar Singh, Advocate
	:	Mr.Praveen Kumar, Advocate
For the Respondent/s	:	Mr.Vijay Kr. Choudhary, GP 36
For Intervenor/resp 7	:	Mr.Aditya Narayan Singh-I, Advocate
	:	Mr.Amrendra Neeraj, Advocate
	:	Ms.Ojashwi Kumar, Advocate
	:	Mr.Shivam Aniket, Advocate
	;	Mr.Vibhavasu Narayan, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

9 29-10-2026 Heard the learned counsel for the petitioner and the learned counsel for the State.

2. The present writ petition has been filed for following :-

> *"(i) For a direction to the private respondent to remove rest of the encroachment made on New Khata No. 586, New Khesra No. 532, Ward No. 29, Mauza-Dharhara, Muhalla-Phirpurba, which is an Aam Rasta, which has been encroached by private respondent*

WEB COPY

by making pacca wall as a part of the enroachment has already been removed as per the direction given in Encroachment Case No. 06 of 2020 u/s 147 Cr.P.C. "

3. At the outset, the learned counsel for the State submits that a title suit bearing Title Suit No. 48 of 2021 is pending before the Civil Court, Bhojpur at Ara in respect to the land in question.

4. In view of the settled position that encroachment proceeding cannot be concluded when a civil suit is pending, as held by this Court in ***Smt. Uma Devi Sinha v. State of Bihar, 2001 (2) PLJR 587*** and ***Shaila Devi & Ors. v. State of Bihar & Ors. (Misc. Appeal No. 318/2014)***, the present writ petition is disposed off with a direction to the authorities concerned not to evict the petitioner from the land in question till the disposal of Title Suit No. 48 of 2021. The respondents shall be at liberty to proceed in accordance with law after the civil court decides the question of title.

5. Pending I.As., if any, stands disposed off.

(Alok Kumar, J)

rinkee/-

U			

WEB COPY