

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.261 of 2025

In
Civil Writ Jurisdiction Case No.2381 of 2025

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1. Kameshwar Yadav S/o Dhaneshwar Yadav, R/o Village - Manikpur, Ward No. 01, P.S. - Madhepura, District- Madhepura.
 2. Surendra Yadav S/o late Dhaneshwari Mandal Resident of Village Manikpur, P.S. - Madhepura, District - Madhepura.
 3. Ashok Yadav @ Paltu Yadav S/o late Dhaneshwari Mandal Resident of Village Manikpur, P.S. - Madhepura, District - Madhepura.
 4. Kuleshwar Yadav S/o late Dhaneshwari Mandal Resident of Village Manikpur, P.S. Madhepura, District- Madhepura, Bihar.
 5. Rajendra Prasad Yadav @ Rajendra Yadav, S/o late Dhaneshwari Mandal Resident of Village - Manikpur, P.S. - Madhepura, District- Madhepura.
 6. Most. Shanti Devi W/o Late Dinesh Yadav, Resident of Village Manikpur, P.S. - Madhepura, District- Madhepura, Bihar.
 7. Deepak Kumar S/o Late Didnesh Yadav, Resident of Village - Manikpur, P.S. - Madhepura, District- Madhepura, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector, Madhepura.
2. District Magistrate, Madhepura.
3. The Circle Officer, Madhepura.
4. The Executive Engineer, Building Construction Department, Madhepura.
5. The Junior Engineer, Building Construction Department, Madhepura.
6. The Station House Officer (SHO), Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Bharti, Advcate
For the Respondent/s	:	Mr. Addl. Advocate General (12)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 23-02-2026 The Letters Patent Appeal has been filed by the writ
petitioner, Kameshwar Yadav and others, challenging the order



dated 20.02.2025, passed by the learned Single Judge in C.W.J.C. No. 2381 of 2025.

2. The writ petition was filed, seeking for following relief(s):-

“a. Quashing the Order dated 29.11.2024 passed by Ld. Collector, Madhepura in Sanchika No. VII-320/24 whereby, the representation dated 02.09.2024 submitted by the Petitioner for stopping the work of construction of Registry Office, Madhepura, has been rejected.

b. Directing the Respondent Authorities to maintain the status quo over the land in question till pendency of litigation between the parties before Civil Court of Competent Jurisdiction.

c. Directing the Respondent Authorities to restore a status quo ante honoring the judgment and decree dated 23.08.2024 and 31.08.2024, passed by Ld. Subordinate Judge, Madhepura in Title Suit No. 134 of 2023.

d. Pay compensation of Rs.10 Lakhs for the mental and physical agony caused to the petitioners due to illegal act of the respondent authorities.

e. Any other relief/reliefs for which the Petitioners is deemed entitled for.”

3. During pendency of the writ petition, supplementary affidavit has also been filed by the writ



petitioners wherein, it is stated as follows:-

“3. That it has already been mentioned in Paragraph no.16 of writ petition that the petitioner has filed Civil Miscellaneous Case no. 84/2025 before this Hon'ble Court challenging the order dated 13.11.2024 passed by Ld. Principal District Judge, Madhepura, in Title Appeal No. 20/2024 (arising out of title Suit no.134/2023) whereby the operation of judgment and decree dated 23.08.2024 passed in Title Suit no. 134/2023 was stayed.

4. That during pendency of the present writ application, the above mentioned Civil Misc. case no.84/2024 was taken up for consideration before a co-ordinate bench of this Hon'ble bench on 05.02.2025.

5. That upon hearing the parties in C.Misc. case No. 84/2025, this Hon'ble Court vide order dated 05.02.2025 has been pleased to set aside the order dated 13.11.2024 passed in Title Appeal No.20/2024 by Ld. Principal District Judge, Madhepura whereby the operation of Judgment and decree dated 23.08.2024 passed in Title Suit no. 134/2023 was stayed. It is important to emphasize here that said order has been passed on consent of the counsel appearing for the State, upon instruction from the Respondents Authorities.

6. That it is pertinent to mention here that as on date, the Title of the disputed land subsist in favour of the Petitioners on the basis of judgment and decree dated 23.08.2024



passed by ld. Subordinate Judge I, Madhepura, in Title Suit no. 134/2023

7. That ignoring all the above mentioned facts, the Respondent Authorities are still continuing with the construction of registry office over the disputed land, causing prejudice to the Petitioners herein.”

4. The learned Single Judge after considering the submissions of the learned counsel for the writ petitioners so also the learned counsel for the State particularly, the submission of the learned counsel for the State regarding the pendency of Title Appeal No. 20 of 2024 and that any construction on the disputed land shall be subject to the final decision of the said appeal which has also been accepted by the Collector, Madhepura, has been pleased to observe in the operative part, as follows:-

“7. From the pleadings of the parties, it transpires to this Court that Collector, Madhepura, hereby accepts that he shall be binding by the decision of Title Appeal No.20 of 2024. Counsel for the State submits that from the supplementary affidavit, it transpires that construction of Registry Office, Madhepura, is in full swing and foundational pillar as well as boundary has been completed.

8. After hearing the parties, it transpires to this Court that the right to property is not the fundamental right; rather it is a



constitutional right and if the State representative is ready to accept the decision of the Title Appeal, then in that case this Court only observes that in case the Title Appeal shall decide in favour of the petitioners, then in that case the respondent/State shall pay the compensation amount to the petitioners on the basis of the price of the land on the date of the judgment of the title appeal with 6% interest per annum from the date of judgment passed in the title suit.”

5. It is stated at the bar that Title Appeal No. 20 of 2024 is now *sub judice* in the Court of learned District & Additional Sessions Judge- VIII, Madhepura and the parties have already entered their appearance.

6. In view of such submission advanced, primarily the submission of the learned counsel for the State that the construction on the disputed land shall be subject to the final decision of the Title Appeal No. 20 of 2024, and the construction of the Registry Office, Madhepura is going on and the foundation pillar and boundary has already been completed, we direct the learned District & Additional Sessions Judge VIII, Madhepura to expedite the hearing of Title Appeal no. 20 of 2024.

7. Both the learned counsel submit that they will not



seek for any adjournment and shall cooperate with the learned Appellate Court for disposal of the Appeal at an earliest.

8. In view of such submission, the learned Appellate Court shall do the needful to dispose of the Appeal by the end of April, 2026.

9. Accordingly, the Letters Patent Appeal stands disposed of.

10. Let a copy of the order be forwarded to the concerned Court immediately. The learned counsel for the appellants shall also produce the certified copy of the same before the concerned court.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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