

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8026 of 2026

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1. Shivchand Ram Son of Late Kishun Ram, Resident of Village- Kaudiram, P.S.- Mohania, District- Kaimur.
 2. Ghasi Ram, Son of Sri Kumar Ram, Resident of Village- Kauriram, P.S.- Mohania, District- Kaimur (Bhabhua) Bihar 821109.
 3. Sunaina Devi, Wife of Rama Shankar Ram, Resident of Village- Kauriram, P.S.- Mohania, District- Kaimur at Bhabhua Bihar 821109.
 4. Balister Ram, Son of Ramgati Ram, Resident of Village- Kauriram, P.S.- Mohania, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kaimur at Bhabhua.
2. The Collector, Kaimur at Bhabhua.
3. The Sub Divisional Officer, Mohania Kaimur.
4. The Circle Officer, Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Respondent/s : Ms. Shweta Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL JUDGMENT

Date : 01-07-2026

Heard the learned counsel for the parties.

2. The present writ application has been preferred for directing the respondents not to construct the Government building over the piece of land upon which



the petitioners claimed to be the *Parchadharis* of the same.

3. The learned counsel for the petitioners submits that on the strength of the *Parchas* issued in the year 1988, the petitioners have been coming over the possession of the land in question, situated in Village-Kauriram, bearing Khata No. 48, Khesra No. 243 having an area of 25 decimal, and *Jamabandi* has also been created in their names and they have regularly been paying rent. The learned counsel for the petitioners further submits that the petitioners, who are landless persons, have been residing over the said piece of land since long back on the strength of the *Parchas* issued by the competent authority, have been dispossessed forcibly by the District Administration for construction of the Government building over the same.

4. The learned counsel for the petitioners also highlights that the petitioners have preferred a Title Suit, bearing No. 899 of 2023, which is pending in the Court of learned Civil Judge, Senior Division, Mohania (Bhabhua) for adjudication

5. The learned counsel appearing on behalf of the State submits and highlights that since the petitioners



have already preferred a proper remedy available to them in law by filing a Title Suit before the competent Court of civil jurisdiction, they have no right to avail the simultaneous relief in the writ jurisdiction of the Constitutional Court.

6. It is evident from the records that the petitioners have already preferred a Title Suit challenging their forceful eviction from the land over which they are claiming possession on the strength of *Purcha*, is pending before the competent Court of civil jurisdiction and for the same they have also filed representation, detailing the facts and circumstances of their case, before the District Magistrate-Cum-Collector, Kaimur (Bhabua) on 13.01.2026, but the same appears to have fallen on deaf ears as the District Magistrate-Cum-Collector has still not decided the same, forcing the petitioners to approach this Court under writ jurisdiction.

7. It is not in dispute that the petitioners have already availed the proper remedy by preferring Title Suit, questioning their eviction from the land which they possess and have been residing on the strength of *Parcha* duly issued to them, which is still sub-judice before the



competent Court of civil jurisdiction, which has to decide the same on the basis of the evidence brought before it by the respective parties, but, in the meantime, on account of them being homeless and landless, the petitioners approached the District Magistrate-Cum-Collector, Kaimur (Bhabua) (respondent No. 2) by filing a representation, highlighting their grievances, with a prayer to take a proper decision for redressal of their grievances.

8. Both the remedies are different and distinct. The remedy before the Court of competent civil jurisdiction is of judicial nature, which would, ultimately, determine the right of the petitioners to have a claim over the land on the strength of the *Parcha* and whether cancellation of the same and consequent eviction of the petitioners from that piece of land is legally tenable or not, is totally a different subject matter, whereas, before the District Magistrate-Cum-Collector, Kaimur (Bhabua), the petitioners have come with the prayer to look into their grievances and alleged atrocities by the local authorities, which, in their estimation, could only be addressed and redressed by the District Magistrate-Cum-Collector of the concerned district.



9. Thus, the District Magistrate-Cum-Collector, Kaimur (Bhabua)/respondent No. 2 is, accordingly, directed to dispose off the representation dated 13.01.2026 preferred by the petitioners within a period of four weeks from the date of receipt/production of a copy of this order in accordance with law.

10. With the aforesaid observation/direction, the writ petition stands disposed off.

11. Interlocutory application(s), if any, also stands disposed off.

(Rana Vikram Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.07.2026
Transmission Date	N/A

