

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1172 of 2025

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Shyam Mandal Son of Rameshwar Mandal Resudent of Village-Badi Dighhi
P.S.-Madhusdanpur, P.O.-Shazadpur, District-Bhagalpur-812005.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur District-Bihar.
3. The Circle Officer, Nath Nagar Sub-Division, Bhagalpur District-Bihar.
4. The Sub-Divisional Officer, Nath Nagar Sub-Division, Bhagalpur District-Bihar.
5. The Block Development Officer, Nath Nagar Block, Bhagalpur District-Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate
For the State : Mr. Government Pleader (18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-03-2026 Heard Mr. Ajit Kumar Ojha, learned counsel for the

petitioner and Mrs. Prerna Anand, learned AC to GP-18

representing the State.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) issue a writ of mandamus directing the
Respondents to refrain from carrying out any
further construction, demolition, or
encroachment activities on Plot No. 239, Khata
No. 173, situated at Mauja Dighhi, Police
Station Nath Nagar, during the pendency of this*



writ petition and the title suit before the District Court, Sub Judge IX, Bhagalpur.

(ii) issue a writ of certiorari quashing any orders or actions initiated by the Respondents concerning the construction of the Panchayat Bhawan on the subject property.

(iii) grant ad interim stay restraining the Respondents from undertaking any further construction or encroachment activities on the subject property during the pendency of the present writ petition and the title suit.

(iv) direct the Respondents to compensate the Petitioner for the financial losses, damages, and emotional trauma suffered due to the illegal demolition of his property.

(v) pass such other and further orders as may be deemed fit and proper in the interest of justice.”

3. The claim of the petitioner is that he despite being the rightful owner of Khata No. 173, Plot No.239 situated at Muaza-Digghi under Nathnagar Police Station, Bhagalpur, the same is being used by the respondent for construction of



Panchayat Sarkar Bhawan.

4. A counter affidavit has come on behalf of the respondent nos. 2 to 5 duly signed by the Circle Officer, Nath Nagar, Bhagalpur and paragraph nos. 9 to 13 read as follows:

“9. That it is pertinent to point out here that the land in question exclusively belongs to State of Bihar and the name of petitioner's father occurs in the R.S. Khatiyam as Awaidh Dakhalkar.

10. That in Para-3 of the writ application, the petitioner has averred that he had inherited the property in question from his father but he had failed to establish how the said property was acquired by his father.

11. That it is submitted and stated that the petitioner or his ancestor was neither in possession of the property in question nor is in possession at present.

12. That it is further pertinent to state here that in the year 2013 the petitioner & Others had filed T.S. No. 282/2013 for declaration that they have indefeasible



ownership over the property in question and also that the survey entry in the name of State of Bihar was wrong which is still lying pending for adjudication.

13. That since the property in question exclusively belongs to State of Bihar, Panchayat Sarkar Bhawan is being constructed over the part of the said land and there is no illegality in it.”

5. Learned counsel for the petitioner submits that wrong facts have been incorporated and that the petitioner has full confidence that he will succeed in Title Suit No. 282 of 2013 pending before a competent Civil Court.

6. The petitioner has lay his claim on the land in question, the State disputes it. In that background, the disputed question can best be adjudicated by a competent Civil Court where the parties have already locked their horns. If the petitioner finally succeeds in the said Title Suit, the respondents who have taken a decision to construct the Panchayat Sarkar Bhawan on the land in question, they will have to pay the amount that will be invested in the said construction from their own pockets. This of course is subject to the final outcome of



the Title Suit No. 282 of 2013.

7. A Title Suit has been preferred, this court only expects that the same will be taken to its logical conclusion at an earliest without any unnecessary delay. The writ petition is disposed of with the aforesaid observation.

8. Any Interlocutory Application if pending also stands disposed of.

(Rajiv Roy, J)

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