

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11320 of 1993**

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Kubra Khatoon & Ors.

.... .... Petitioner/s

Versus

State & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ganpati Trivedi, Sr. Advocate  
Mr. R.K.Sinha 2

For the Respondent/s : Mr. (GP-6)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

9      03-07-2015      Learned senior counsel appearing on behalf of the petitioners has produced before me a copy of the judgment and decree dated 12.7.2000 passed by the Court of learned Munsif, Sherghati, Gaya in Title Suit No. 39 of 1990/820 of 1993, whereby, a decree of permanent injunction has been passed against the defendants, State of Bihar through District Magistrate, Gaya and Anchal Adhikari, Gaya, restraining them from taking possession of the suit land and making construction over it or interfering with peaceful possession of the plaintiff in holding Hat in any manner whatsoever.

Learned Senior counsel for the petitioners submits that the land in dispute in the present writ application is the same which was subject matter of the said

T.S. No. 39 of 1990 before the Court of learned Munsif, Sherghati, Gaya.

Learned senior counsel for the petitioners has, however, submitted that despite a decision of the Division Bench of this Court dated 27.2.1959 passed in MJC No. 507 of 1957 reported in 1959 BLJR 526 ( Nathu Khan vs. State of Bihar and others), the respondents, State of Bihar and Private Respondent are interfering with the petitioners' rightful title and possession over the land in question.

In view of the nature of relief which has been sought for in the present writ application and subsequent judgment and decree passed by the Munsif, Sherghati, Gaya in T.S. No. 39 of 1990, I am of the view that this writ application has become infructuous for all practical purposes inasmuch as, decree of a permanent injunction has already been passed in favour of the petitioners.

However, in view of the submission as made by the learned senior counsel appearing on behalf of the petitioners, it is observed that the respondents must act in compliance of the said Division Bench order of this Court dated 27.2.1959 and the decree passed by learned Munsif, Sherghati, Gaya and will certainly not act in defiance of the

decision of this Court and the decision of the learned Munsif,  
Sherghati, Gaya, if not altered in an appeal.

This application is disposed of with the  
observations as above.

No order as to costs.

**(Chakradhari Sharan Singh, J)**

ArunKumar/-

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