

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.252 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHUBANI

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Rakhi Devi, Wife of Rajesh Paswan, Resident of Village - Laddugaon, P.S. &
Circle - Raj Nagar, District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
 2. The Commissioner, Darbhanga Division, Darbhanga.
 3. The District Magistrate, Madhubani.
 4. The Superintendent of Police, Madhubani.
 5. The Officer-in-Charge, Raj Nagar Police Station, District - Madhubani.
 6. The D.C.L.R., Sadar, Madhubani.
 7. Harihar Raut @ Hari Raut, Son of Late Sukhdeo Raut,
 8. Anant Raut, Son of Lat Damodar Raut,
 9. Singheshwar Raut, Son of Late Ghuran Raut,
 10. Most. Sugia Devi, W/o Late Pitambar Raut,
 11. Yogi Paswan, Son of Sonai Paswan,
 12. Mahendra Paswan, Son of Late Bilat Paswan,
- All respondents No. 7 to 12 are residents of village - Laddugaon, P.S. & Achal -
Raj Nagar, District - Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subhesh Singh, Advocate

For the Respondent/s : Mr. Siddharth Shankar Pandey, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-09-2015

Heard learned counsel for the petitioner.

One Harihar Raut @ Hari Raut and others had filed writ petition vide C.W.J.C. No. 22648 of 2013 challenging the order dated 30th January, 2013 passed by the Deputy Collector Land Reforms in Demarcation Case No. 37 of 2012-13. In the said case, the petitioner was made respondent no. 8.

It was contended on behalf of the petitioners in that writ petition that respondent no. 5, the Deputy Collector Land Reforms had wrongly entertained and decided the demarcation case filed by respondent no. 8 (petitioner of the present case) without impleading the petitioners as party to the same, as the petitioners were the direct descendants of the purchaser of the land in the year 1909, namely, Bahadur Raut and, thus, the impugned order dated 20th January, 2013 had been passed in violation of the principle of natural justice.

After issuance of notice, the said writ petition was disposed of by a Bench of this Court vide order dated 08.12.2014. The operative part of the order dated 08.12.2014 passed in C.W.J.C. No. 22648 of 2013 reads as under:-

“In the present case, disputed question of facts are involved, the LRDC cannot decide right, title of the parties and that can be decided only by the civil court of competent jurisdiction which has been settled by this Court in Division Bench in the case of Maheshwar Mandal vs. State of Bihar reported in 2014(3) PLJR 281. In this view of the

matter, petitioners are at liberty to participate in the aforesaid civil suit or can also file separate civil suit for declaration of their right title over the aforesaid land.

Till disposal by the civil court, parties will maintain status quo as existing to-day. If on enquiry it is found that the petitioners are in possession of the land, their possession will not be disturbed and at the same time if the private are in possession, their possession will also not be disturbed.

With the above observation/direction, this petition is disposed of.”

By way of filing the present writ petition, the petitioner seeks a direction to be issued to the respondents to follow the aforesaid order dated 08.12.2014 passed in C.W.J.C. No. 22648 of 2013 by which this court had directed both the parties to maintain status quo.

The contention of the petitioner is that the private respondents are defying the order passed by this Court in C.W.J.C. No. 22648 of 2013 by disturbing peaceful possession of the petitioner over the disputed plot.

In my view, the writ petition is thoroughly misconceived. In case the petitioner is aggrieved due to willful disobedience of the order passed in C.W.J.C. No. 22648 of 2013,

she has her remedy under Section 12 of the Contempt of Courts Act, 1971 and under Article 215 of the Constitution of India but certainly filing another writ petition seeking compliance of the order passed in an earlier writ petition filed before this Court is not an appropriate remedy.

In that view of the matter, the application is dismissed.

(Ashwani Kumar Singh, J.)

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