

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1156 of 2014

=====

Shiv Kumar Singh, son of Late Umesh Prasad Singh, Resident of Village-
Anandpur, Ward No. 26, P.S.-Towan (Begusarai) District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Department of Home (police), Govt. of Bihar, Old Secretariat, Patna
2. The Commissioner Purnea Division, Purnea
3. The District Magistrate, Purnea
4. Sub-Divisional Officer, Dhamdaha, Purnea
5. Dy. Collector Land Reforms, Dhamdaha, Purnea
6. Circle Officer, Bhawanipur, District-Purnea
7. Officer-in-Charge, Bhawanipur, P.S.-District-Purnea
8. Sattan Mandal, son of Basudeo Mandal, Resident of Village-Durgapur, P.S.-Bhawanipur, District-Purnea.
9. Sitaram Mandal
10. Manohar Mandal
11. Shankar Mandal
12. Chandar Mandal
13. Onkar Mandal
All (9 to 13) sons of Late Nathuni Mandal, all residents of village-Durgapur, P.S.-Bhawanipur, District-Purnea.
14. Pradeep Mandal
15. Buchchi Mandal, both sons of Gango Mandal, resident of village-Babhangama, P.S.-Bhawanipur, District-Purnea
16. Mohan Lal Kedia, son of late Kedarnath
17. Arun Kedia
18. Uday Kedia
19. Vijay Kedia
20. Dilip Kedia
All son of late Jagdish Kedia @ Jagdish Pd. Kedia, All resident of Village-P.S.-Bhawanipur, District-Purnea.
21. Uday Kumar Singh
22. Shital Kr. Singh, both sons of late Umesh Prasad Singh, Resident of village- Anandpur, Ward No. 26, P.S.-Town (Begusarai) District-Begusarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

learned AC to GP-6 for the State.

The present application has been filed seeking a direction to the respondent authorities to restrain the private respondents from interfering in the peaceful possession of the petitioner over the land of Mauza Dumrail Darp, P.S. Rupaul, District-Purnea, measuring about 15 acres 10 decimals.

Learned counsel for the petitioner submits that he is the rightful title holder of the land in question. It is submitted that initially the private respondents in a Title Suit had got a declaration that the vendor of the petitioner had no right to alienate the land in question which was reversed by the High Court in First Appeal and the same was upheld by the Hon'ble Supreme Court and thus the validity of the sale deed in favour of the petitioner has been confirmed. It is thus submitted that the authorities be directed to restrain the private respondents from interfering in the peaceful possession of the petitioner of the land in question.

Learned counsel for the State submits that admittedly the matter is being contested between the petitioner and the private respondents and the petitioner being resident of the district of Begusarai and the land being situated in the district of Purnea and the private respondents also being resident of Purnea and further being the agnates of the person from whom the petitioner has got the sale deed executed, the natural presumption would be that they were in

possession of the property. Further, initially, they have also succeeded before the Court below and the Court had upheld that the sale deed in favour of the petitioner was not binding on them.

On considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court cannot give a categorical direction to the respondent State authorities to ensure that the petitioner is allowed peaceful possession of the land in question since it has not been established before this Court as to whether it is in the possession of the petitioner or the private respondents.

Accordingly, the application stands disposed off. The Court would like to observe that the authorities of the State are required to give protection to any person who is enjoying possession of any property belonging to him and it should be ensured that the same is not disturbed by elements who do not have valid right, title over the same and the authorities are also required to ensure that a person does not lose possession of his property except by the due process of and in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--