

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11026 of 2011

Radhe Prasad Das S/O Late Sahdeo Das R/O Vill.- Daliya Baunsi, P.S.-
Baunsi, Distt.- Banka

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Banka
3. The Sub Divisional Officer, Sadar, Banka
4. The Circle Officer, Sadar, Banka
5. The Civil Surgeon-Cum-Chief Medical Officer, Banka
6. The In charge Medical Officer, Referral Hospital, Baunsi, Distt.- Banka

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shyama Pd. Mukherji
Mr. Shanti Pratap
For the Respondent/s : Mr. Ajit Pratap Singh SC-15
Mr. S.K. Ranjan, AC to SC 15

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 17-09-2015 Heard Mr. Shyama Pd. Mukherji, learned Sr.

Counsel for the petitioner and Mr. S.K. Ranjan, AC to SC-

15 for the State.

While T.S. No. 58 of 2003 was pending in the
court of Civil Judge, Banka in respect of the subject/suit
land, the present writ application was filed seeking a
direction upon the respondent to restore possession of the
petitioner over the land appertaining to khata
no.34/592/4ka, plot no. 399/178/1782 measuring an area of
02 decimals situate in Mauza Daliya in the district of



Banka. By way of supplementary affidavit, the petitioner has brought on record the judgment dated 27.06.2015 passed in the said suit. On perusal thereof it appears the suit, on contest, was allowed. The title of the petitioner over the suit land was declared and the defendants were permanently restrained from dispossessing the plaintiff from the suit land.

It has been submitted on behalf of the petitioner that once a decree is passed, the respondents are legally obliged to obey the same and act in aid of the decree. Representations, in this regard, have been filed before the District Magistrate-cum-Collector, Banka as also the Civil Surgeon-cum-Chief Medical Officer, Banka. Be it noted that the land claimed by the petitioner is also being claimed by the Referral Hospital, Baunsi.

If there is a decree in favour of the petitioner which has not been appealed against and stayed, the respondents are obliged to take appropriate steps for restoring the possession of the petitioner over the subject land. The Respondent-Collector will act on the representation of the petitioner which is said to have been filed on 11th September, 2015 and take all needful steps as

required in law as quickly as possible preferably within six weeks from the date of receipt/production of a copy of this order together with a fresh copy of the representation before him.

The writ application is disposed of with the aforesaid observation/direction.

(Kishore Kumar Mandal, J)

HR/-

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