

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13318 of 2010

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Most. Punia Devi, wife of Late Munni Yadav, resident of Village-Salempur, P.S.- Muffasil, District- Gaya. Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
 2. The Commissioner, Magadh Pramandal, Gaya.
 3. The Collector, Gaya.
 4. The Deputy Collector Land Reforms (DCLR), Gaya.
 5. The Circle Officer, Manipur Circle Officer, Gaya
 6. Shyamjilal Nakphopha, Son of Kanhaiyalal Nakphopha, resident of Bahuarachaura, P.S.- Civil Line, District- Gaya. Respondents.
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Appearance :

For the Petitioner/s : Mr. B. K. Sinha, Sr. Advocate
: Mr. Suresh Prasad Singh, Advocate
For the Respondent/s : Mr. Shyameshwar Kr. Singh, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 08-01-2015 The petitioner has preferred the instant application against order dated 14.05.2010, passed in Misc. Case No. 04 of 2009-10 / 02 of 2010-11, whereby he has stayed the operation of demand created in his favour.

The petitioner filed Title Suit No. 123 of 2005, which was dismissed on 15.10.2009. However, the said Title Suit was restored on 19.12.2009 vide Misc. Case No. 27 of 2009. However, the petitioner states that the private opposite parties by suppressing the aforesaid fact moved before the Circle Officer for creation of demand in their favour in respect of the disputed land. The Circle Officer, Manpur, Gaya by the impugned order dated 14.05.2010 has stayed the operation of demand granted in favour of the petitioner.

Learned counsel for the petitioner has filed supplementary affidavit. In the supplementary affidavit, the petitioner stated that the Ex-landlord, namely, Govind Lal Nakfofa, issued a Hukumnana in the name of fore father of her husband in 1945. However, Shyamji Lal Nakphopha in utter disregard of the Hukumnama filed a case before the Deputy Collector, Land Reforms, Gaya, which was dismissed vide order passed on 15.06.2011 in Appeal Case No. 30 of 2011-12 / 51 of 2010-11.

In stead of valid service of notice, no one appeared on behalf of private respondent no.6.

It does not appear as to what transpired after passing of the order dated 14.05.2010, as such the impugned order staying the operation of demand, passed by the Circle Officer, Manpur, Gaya, is set aside.

In the facts and circumstances of the case, both the parties would be at liberty to approach the appropriate authority for redressal of their grievances.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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