

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5689 of 2011

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1. Binod Kumar Chaudhary @ Jaiswal@ Binod Kumar Jaiswal Late Chit Narayan Chaudhary Resident Of Village-Bishanpur Daulat, P.S. Raghapur, District- Supaul
 2. Sanjay Kumar Chaudhary @ Jaiswal @ Sanjay Kumar Jaiswal Late Chit Narayan Chaudhary Resident Of Village-Bishanpur Daulat, P.S. Raghapur, District- Supaul
 3. (A) Akash Choudhary (B) Anand Choudhary (C) Rashmi Kumari All Sons & Daughter Of Late Ashok Kumar Chaudhary Resident Of Village-Bishanpur Daulat, P.S. Raghapur, District- Supaul
 4. Smt. Dharamshila Devi W/O Late Chit Narayan Chaudhary Resident Of Village-Bishanpur Daulat, P.S. Raghapur, District- Supaul

.... Petitioner/s

Versus

1. The State Of Bihar
2. Collector Supaul, District- Supaul
3. S.D.O Birpur, District- Supaul
4. Circle Officer Raghapur, P.S. Raghapur, District- Supaul
5. Superintendent Of Police Supaul, District- Supaul
6. Officer-In-Charge Police Station Ragahapur, District- Supaul
7. Chandra Bhushan Chaudhary
8. Mani Bhushan Jaiswal
9. Pushpa Devi S/o Ashok Chaudhary D/O Late Jaganath Chaudhary, resident of village+ Post Office- Banmankhi, District- Purnea
10. Lalita Devi W/o Binod Bhagat D/o Late Jaganath Chaudhary, resident of village- Chirouri, Via- Chausa, District- Madhepura
11. Pankhuri @ Pan Khushi Kumari w/o Sanjay Kumar grand daughter of Late Jaganath Chaudhary, resident of near Basuki Cinema, District- Sitamarhi
12. Inti Kumari Daughter of Ram Bhushan Jaiswal, pre-deceased son of Late Jaganath Chaudhary,
13. Iisi Kumari Daughter of Ram Bhushan Jaiswal, Pre-deceased son of Late Jaganath Chaudhary, Both resident of village- Bishunpur Daulat, Police Station- Raghapur, Distt.- Supaul
14. Rita Jailswal D/O Ram Bhushan Jaiswal
15. Surya Narain Chaudhary Late Mahavir Chaudhary Resident Of Village-Bishanpur Daulat, P.S. Raghapur, District- Supaul
16. Saurabh Kumar Chaudhary
17. Seema Kumari All sons and daughter of Late Bholi Chaudhary, Resident of Village- Bishanpur Daulat, Police Station- Raghapur, District- Supaul
18. Amit Kumar Chaudhary
19. Romit Kumar Chaudhary
20. Bindu Devi Wife of Ashok Chaudhary, D/o Late Jagdish Chaudhary, resident of Village+ Post Office Dumari, Police Station- Raghapur, District- Supaul
21. Indu Devi Wife of Ramdeo Chaudhary D/o Late Jagdish Chaudhary resident of Village- Khodabandhpur Via- Rosera, District- Begusarai
22. Kamleshwsri Chaudhary Late Domilal Chaudhary Resident Of Village-

Bishanpur Daulat, P.S. Raghapur, District- Supaul
 23. Umesh Chaudhary Late Domilal Chaudhary Resident Of Village-
 Bishanpur Daulat, P.S. Raghapur, District- Supaul
 24. Prasant Kumar Chaudhary @ Manoj Kumar Jaiswal Late Bhup Narain
 Chaudhary Resident Of Village-Bishanpur Daulat, P.S. Raghapur, District-
 Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Dwivedi, Sr. Advocate
 M/s Ranjan Kumar Dubey, Rakesh Chandra
 For the State : Mr. Parth Sharthi, G.A. 11
 Mr. Apurva Kumar, AC to GA 11
 For the Pvt. Respondents : Mr. Shailendra Kumar Dwivedi, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**
ORAL ORDER

7 19-01-2015 Heard learned counsel for the petitioners and learned
 counsel for the State as well as learned counsel appearing on
 behalf of the private respondents.

The petitioners seek demarcation of lands obtained by way
 of delivery of possession effected in their favour by dint of
 decree passed in T.S. No.4 of 1946 which was affirmed up to
 the Supreme Court. As the respondents are interfering with
 their right, title, interest and possession, the petitioners also
 seek protection to their life and property.

According to the petitioners, their ancestors have
 purchased 104\3 Bigha 19 Katha and 3 ¼ dhurs of land of
 Khata No.46 from the recorded tenants in the year 1944. Some
 dispute arose with Azmatgarh Kothi of Banaras, which filed



Rent Suit No.5965 of 1931. The suit was decreed in their favour. The ancestors of the petitioners being aggrieved filed Title Suit No.4 of 1946 in the Court of Subordinate Judge, Madhepura which was decreed on 12.1.1948. The decree stood affirmed up till Hon'ble Supreme Court. Thereafter, the Opposite parties filed a petition leading to a proceeding under section 144 Cr.P.C. in which the purchased land of the petitioners and respondents were demarcated separately.

The land was subsequently mutated in favour of the petitioners, which was affirmed by this Court vide order dated 25.7.1996 passed in C.W.J.C. No. 4398 of 1994. An appeal preferred against the order was dismissed vide order dated 10.8.1999 passed in L.P.A. No.895 of 1996.

The petitioners have again filed a petition before the Circle Office, Raghapur for demarcation of land. As according to them some dispute was again being raked by other side.

The State in its counter affidavit states that the land has already been demarcated.

The private respondents do not have any objection to demarcation of land.

In view of nature of dispute and as both parties agree for demarcation, it will be open for the petitioners to approach the

appropriate authority by filing a fresh application, which would be duly addressed after notice to the concerned parties. So far as protection to their life and property is concerned, it would be open for the petitioners to approach the appropriate authority/ the court.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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