

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1072 of 2011

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Shiv Shankar Singh, Son of Late Narayan Singh, Resident of Village –
Amraur Kiratpur, P.S. – Muffasil (Singhoul O.P.) Sub-Division and District
– Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Begusarai
4. The Sub-Divisional Magistrate, Begusarai
5. The Circle Officer, Block Begusarai
6. The Superintendent of Police, Distt. – Begusarai
7. The Deputy Superintendent of Police, Sub-Division, Begusarai, Distt.
– Begusarai
8. The Officer-in-Charge of Singhoul O.P. (Muffasil P.S.), District –
Begusarai
9. Shivnandan Singh, Son of Late Bodhan Singh, Resident of Village –
Amraur Kiratpur, P.S. – Muffasil (Singhoul O.P.) Sub-Division and
District – Begusarai
10. Mangal Singh @ Krishna Kumar Singh, Son of Late Hardeo Singh,
Resident of village – Amraur Kiratpur, P.S. – Muffasil (Singhoul
O.P.), Sub-Division and District – Begusarai
11. Diwakar Singh @ Chhotu Singh, Son of Sahjanand Singh
12. Babloo Singh, Son of Sahjanand Singh
13. Sahjanand Singh, Son of Late Titay Singh
14. Shosan Singh, Son of Late Ramudit Singh

Respondents No. 11 to 14 are Residents of Village – Amraur
Kiratpur, P.S. – Muffasil (Singhoul O.P.), District - Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Jai Prakash Singh, Advocate

For the State : Mr. Rakesh Kumar Sharma, Advocate,
AC to GP XXVII

For the Respondents No. 9, 11, 12, 13 : Mr. Ravindra Kumar Rai, Adv.

For the Respondent No. 14 : Mr. Pashupati Prasad Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

8 06-05-2015

This is a petition for issuance of an appropriate writ,

order and/or direction to the respondents to restore the possession of the

petitioner with regard to the land which he got in possession in

execution of decree in Execution Case No. 06 of 2004 over the land

situated at Mauza Amraur, Kiratpur, Thana No. 371, Touzi No. 862, Khata No. 12 and 64, Kheshra Nos. 436 and 435.

Learned counsel for the respondent no. 14 submits that respondent no. 14 assigned as plaintiff along with petitioner and joint Takhta was prepared with regard to half of the land in Plot Nos. 436 and 435 and 1/4th out the plot was allotted to respondent no. 9 and 1/4th to other co-sharer respondent no. 10. However, there is nothing on record to suggest who was allotted which portion with specified boundary and an appeal is pending against the order by which the Takhtabandi. There is no specific boundary mentioned. It is submitted that respondent no. 9 who is one of the co-sharers and has been allotted a Takhta of 14½ dhur. It is further submitted that he has sold the share of the petitioner.

Hence, having regard to the facts that appeal against Takhtabandi order is pending and parties are co-sharers, it is not proper to pass any order in haste when parties have alternative remedy to raise the issue in appeal and hence, there is no merit in the case. Accordingly, I do not find any merit to interfere with the impugned order. However, if the party desires may approach the Appellate Court where the appeal is pending.

With the observation, the writ petition is disposed of.

(Gopal Prasad, J.)

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