

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12537 of 2008

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Nand Kishore Prasad Sinha, son of late Haridwar Singh, resident of village-
Bhagwanpur Kamla, P.O. & P.S.-Bhagwanpur Kamla in the district of Samastipur.
.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The District Magistrate, Samastipur, District-Samastipur.
5. The Superintendent of Police, Samastipur, District-Samastipur.
6. The Sub-Divisional Officer, Dalsing Sarai, District-Samastipur.
7. The Deputy Collector Land Reforms, Samastipur, District-Samastipur.
8. The Deputy Superintendent of Police, Samastipur.
9. The Circle Officer Ujiarpur, District-Samastipur.
10. The Station House Officer, Ujiarpur, District-Samastipur
11. Shiv Darshan Prasad Singh
12. Ashok Kumar Singh
Both sons of Ram Balak Singh
13. Shiv Sharan Singh
14. Hemant Kumar Singh
15. Dilip Kumar Singh
Sons of Sri Ramdeo Singh
16. Sunita Devi, wife of Sri Ashok Kumar Singh
17. Madhu Devi, wife of Sri Dilip Kumar Singh
All residents of village Bhagwanpur Kamla, P.O.-Bhagwanpur Kamla, P.S.-
Bhagwanpur Kamla in the district of Samastipur.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar
Mr. Shiv Kumar Prabhakar
Mr. Rajesh Kumar Singh
Mr. Arvind Kumar Sharma
Mr. Mayank Kumar
For the Respondent nos. 1 to 10: Mr. Harishankar Roy, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

Date: 17-03-2015

Heard the parties.

The petitioner has filed the present writ petition under
Article 226 of the Constitution of India for the reliefs enumerated in
paragraph no.1 of the writ petition, which reads as follows:-

“(A) For direction to the respondents
concerned to give appropriate protection and

help to the life and property of the petitioner in erecting the boundary wall over the land of the petitioner as detailed in the petition.

(B) Also for direction to the respondents concerned to see that the private respondents do not disturb the petitioner in erecting the boundary wall over the land of the petitioner.

(C) Also for directing the private respondents to not disturb the petitioner in erecting the boundary wall over the land of the petitioner.

(D) Also for necessary relief(s)/direction(s) for which the petitioner may be found entitled in the eye of law as well as on the facts of the case.”

Though, by the orders dated 04.08.2011 as also 11.10.2012 the learned State counsel was directed to file counter affidavit in the present case with respect to the grievances raised on behalf of the petitioner, but till date no counter affidavit has been filed on behalf of the official respondents. By the order dated 11.10.2012, the notices were issued to the private respondent nos.11 to 17, but they have chosen not to appear in the present matter and not to contest the claims raised on behalf of the petitioner, despite valid service of notices upon them.

In view of the nature of the reliefs sought for on behalf of the petitioner in the present writ petition, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending any longer before this Court. According to the learned counsel appearing on behalf of the petitioner, the lands in question belongs to the petitioner in view of the judgment and decree passed by the Civil Court. Therefore, according to him, the private respondents have no locus standi to raise any obstruction with respect to possession of the petitioner over the lands in question, fully detailed in paragraph nos.4, 5 and 6 of the writ petition.

In above view of the matter, the petitioner is directed to appear before the respondent District Magistrate, Samastipur (respondent no.4) with a comprehensive fresh representation as also with a certified copy of the present order within a period of four weeks from today. On appearance of the petitioner, in the manner indicated above, the respondent no.4 shall be obliged to consider and decide the claims of the petitioner with respect to the lands in question by a reasoned and speaking order after giving an opportunity of hearing to all concerned including the private respondent nos.11 to 17.

If on consideration of the materials and after hearing the parties, the respondent no.4 comes to a conclusion that the lands in question belongs to the petitioner on the basis of the judgment and decree passed by the Civil Court duly affirmed by the appellate court, then he shall be obliged to redress the valid grievances of the petitioner at an early date preferably within a period of six months and he shall further be obliged to ensure possession of the petitioner over the lands in question and shall provide all logistic support to the petitioner for erection of boundary wall over the lands in question.

It is clarified that this Court has not gone into the merits of the claims of the petitioner with respect to lands in question and the same is left to be decided by the respondent no.4 after looking into all the relevant documents/materials produced by the petitioner as also private respondent nos.11 to 17.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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