

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4162 of 2014

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1. Gopal Singh, son of Late Thakur Singh
2. Bhola Singh, son of Late Thakur Singh
3. Birju Singh, son of Late Shobha Lal Singh
4. Loha Singh, Son of Late Shobha Lal Singh
All Residents of Village - Raghawpur, P.O. Raghawpur, P.S. Jurawanpur,
District - Vaishali

.... Petitioners

Versus

1. The State of Bihar
2. Divisional Commissioner, Tirhut Division, Muzaffarpur
3. Deputy Collector, Land Reforms, Hajipur, Vaishali
4. Bishundeo Thakur, son of Late Shayam Lal Thakur, Resident of Village -
Raghawpur, P.O. Raghawpur, P.S. Jurawanpur, District - Vaishali

.... Respondents

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Appearance :

For the Petitioners : Mr. N. C. Verma,
Mr. Natraj Verma, Advocates
For the State : Mr. Harsh Singh, A.C. to G.P.2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-04-2015

Heard learned counsel for the petitioners and the State.

It is submitted on behalf of the petitioners that respondent no.4 has filed a case for demarcation before the D.C.L.R., Hajipur which was allowed and they have challenged the order before the appellate authority, i.e., the Commissioner, Muzaffarpur but the same has not been decided on merit in view of the fact that the title suit is pending. Admittedly the demarcation has already been done. Learned counsel for the petitioners submits that after demarcation the

respondent no.4 is making construction over it. The petitioners have already filed title suit no.100/12 for declaration of title with respect the same piece of land which was the subject matter before the D.C.L.R., Hajipur for demarcation.

I find from the order of the D.C.L.R., Hajipur that the order is for demarcation and not for allowing construction or helping the respondent no.4 for making any construction over the land. If the petitioners have already filed title suit and if the dispute is with respect to the title of the plot concerned, then the course open for them would be for getting restraintment order against the respondent no.4 by filing a proper petition before the civil court concerned itself. If such petition is filed before the Sub-Judge- I, Hajipur, then let the same be considered and decided on its own merit and in accordance with law without being prejudiced by any order or findings recorded by the D.C.L.R. in the case for demarcation of the land because he is not empowered to decide the title.

Accordingly, this writ application stands disposed of.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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