

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.924 of 2015

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1. Arun Kumar @ Vidhayayakji,
2. Vijay Kumzr,
Both sons of Sri Jai Prakash Narain Singh, resident of mohalla Shivpuri,
Near Talabpar, P.S. Laheri, District Nalanda,

.... Petitioners

Versus

1. The State of Bihar through the District Magistrate, Nalanda at Bihar Sharif,
2. The Commissioner, Patna Division, Patna,
3. The District Magistrate, Nalanda at Bihar Sharif,
4. The Superintendent of Police, Nalanda at Bihar Sharif,
5. The Sub Divisional Officer, Bihar Sharif Sub Division, Nalanda,
6. The Deputy Collector Land Reforms, Bihar Sharif(Nalanda),
7. The Circle Officer, Bihar Sharif(Nalanda),
8. The Officer-in-Charge, Laheri Police Station, Bihar Sharif(Nalanda),
9. Kunal Kumar sonof late Bisheshwar Prasad, resident of mohalla
Ramchandrapur, P.S. Laheri, District Nalanda,

.... Respondents

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Appearance :

For the Petitioners : M/s Rabi Bhushan Prasad No. 1 and
Rakesh Kumar Singh, Advocates
For the State : Dr. Anshuman, SC 14
Mr. Kuber Pathak, AC to SC 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-01-2015

Heard learned counsel for the petitioners and the State.

Petitioners are aggrieved by the order dated 24.12.2014 passed by the Circle Officer, Bihar Sharif (respondent no. 7), by which he has passed an order for fixing a date for delivery of possession in favour of respondent no. 9.

Learned counsel for the petitioners submits that the petitioners are purchasers of 2.5 decimals of land of khesra no. 29 appertaining to khata no. 37 and Thana No. 126 situated in mouja



Ramchandrapur, Shivpuri, which they had purchased from one Pinku Kumar through a registered sale deed dated 18.12.2006 and came in possession of the land and, thereafter, constructed a boundary wall and a room etc. They have further claimed that their names were mutated with respect to the aforesaid land, however, respondent no. 9 started creating problem and filed Laheri Police Station Case No. 87 of 2013 alleging that the petitioners have forcibly tried to disturb his peaceful possession and caused injury etc. The police investigated the matter and submitted a report before the Deputy Collector, Land Reforms, Bihar Sharif(Nalanda)(hereinafter to be referred to as the DCLR”) and on that basis B.L.D.R. Case No. 03 of 2013-14 was registered before the DCLR and finally the same was decided against the petitioners. The petitioners moved before the Commissioner in B.L.D. Appeal No. 630 of 2014, which was also dismissed. The petitioners then moved the Bihar Land Tribunal, Patna vide B.L.T. Case No. 416 of 2014, which was also dismissed vide order contained Annexure 2. The Tribunal has noticed in its order dated 15.09.2014 that there was a dispute with respect to the land in question but that was settled long ago between the vendor of the petitioners as well as the vendor of the respondent no. 9. Title Suit Nos. 168 of 1975/ 30 of 1979 was filed by the vendor of the grandmother of the petitioners against the respondent no. 9 which was



decreed in favour of the vendor of the grand-mother of the petitioners, against which Title Appeal No. 8 of 1980 was filed by the vendor of the respondent no. 9. The appeal was decided in favour of the appellant and that was also affirmed by a Single Bench of this Court in Second Appeal No. 644 of 1981. The Tribunal has further noticed that the respondent no. 9 had purchased the disputed land through two registered sale deeds executed in the years 1975 and 1988 and claims that he came in possession of the disputed land, erected boundary wall and residential house but the present petitioners, knowing fully well that their vendor did not have any right to execute the sale deed, got the same executed in their favour. That being the situation after noticing that admittedly the purchase of respondent no. 9 is of earlier date as the petitioners purchased in the year 2006, the Tribunal upheld the orders passed by the authorities concerned holding that the matter regarding the title of the land already stands settled by a judgment and decree passed in Second Appeal No. 644 of 1981. However, the Tribunal granted liberty to the petitioners to move before the Civil Court of competent jurisdiction for deciding the validity of the sale deeds in issue and declaration of right, title and interest over the disputed land. The order aforesaid passed by the Tribunal has not been challenged in this case. The concerned Circle Officer, thereafter, has initiated a

proceeding for execution of the order passed by the DCLR which has been affirmed by the authorities including the Tribunal.

Learned counsel for the petitioners submits that the dispute was merely with respect to 2.5 decimals of land out of a total of 98 decimals of land.

In above view of the matter, since the authorities including the Tribunal have already passed orders considering the points taken by the petitioner and while passing the final order dated 15.09.2014 (Annexure 2), the Tribunal has already observed that their remedy lies before a Civil Court of competent jurisdiction, in my considered opinion, the impugned order passed by the Circle Officer concerned does not warrant any interference by this Court.

Accordingly, this writ application stands dismissed.

(Dr. Ravi Ranjan, J)

SC/-

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