

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1554 of 2015

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Hiralal Gupta, Son of Late Shubhag Lal Gupta, Resident of village- Madhu tol,
P.S.- Khanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner, Darbhanga, District- Darbhanga (Bihar).
2. The Collector, Samastipur, District- Samastipur (Bihar).
3. The Additional Collector, Samastipur (Bihar).
4. The Senior Deputy Collector, Samastipur (Bihar).
5. The Deputy Collector Land Reform, Samastipur, (Bihar)
6. The Circle Officer, Khanpur, District- Samastipur, (Bihar)
7. The Station House Officer, P.S.- Khanpur, District- Samastipur, (Bihar)
8. Ratan Lal Gupta, Son of Vishnu Kant Gupta, resident of village- Madhu Tol, P.S.- Khanpur, District- Samastipur (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Respondent/s : Mr. Partha Sarthi, G.A. 11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 20-02-2015

Heard counsel for the petitioner, private respondent and the
State.

In the light of the agreement reached between the petitioner and
respondent no.8, the present writ application is being disposed of.

The petitioner has filed the present writ application for quashing
of the order contained in memo no. 47, dated 17.01.2015 passed by the
Deputy Collector, Land Reforms in Land Dispute Case No. 252/2012
whereby in the light of the direction of this Court passed in CWJC No.
10919 of 2013 (Annexure-7) affirmed by the writ appeal court vide LPA
No. 1554 of 2014 (Annexure-8) the respondent no. 8 was required to be
given possession over the disputed land which contains some dwelling

structure.

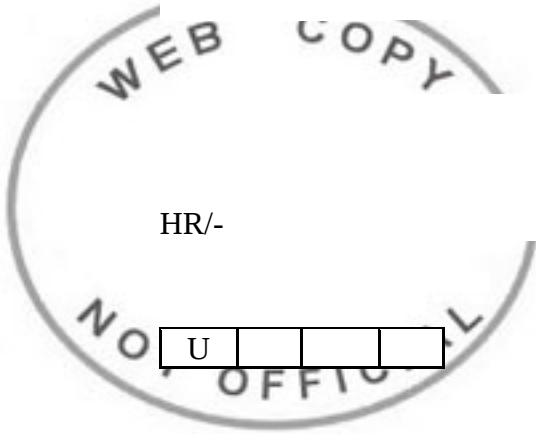
Counsel for the petitioner drawing attention of the Court to the order passed by the writ Court as well as the LPA Court has contended that a title suit being Title Suit No. 459 of 2014 between the parties is already pending consideration before the court of civil judge in which a prayer for injunction has been made. It appears that respondent no.8 insisted on removal of pucca structure over the subject land before giving possession thereof in the light of direction of this Court.

Today Mr. Ramchandra Singh has taken a stand that respondent would be satisfied if possession over the subject land as per the order passed by the writ Court and affirmed by the LPA Court is given to him even without demolition of part/portion of construction/structure which is said to be standing on the disputed land/plot.

In view of aforesaid the writ application is disposed of by directing the respondents to act as per the order of this Court and give possession of the subject land including portion of the dwelling structure, if any, constructed on the said plot without demolishing those parts. Such delivery of possession shall be subject to the result of the pending suit wherein the petitioner is claimed to have filed an application for injunction against respondent State as well as respondent no.8.

Needless to observe that grant of possession in the light of the present order shall not enure to the advantage or disadvantage to either party in the pending suit. Be it noted that the counsel for the private respondent has undertaken before this Court that the structure of which the possession shall be given to the petitioner by the private respondent in

compliance of the order of the writ Court would not be demolished pending
injunction petition filed by the petitioner in the pending suit.



(Kishore Kumar Mandal, J)