

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17226 of 2011

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Umesh Prasad Saha @ Umesh Sah son of Late Uday Narayan Saha
resident of village Mauza Udakishanganj, Madhepura

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department, Govt. of Bihar.
2. The District Magistrate –cum Collector, Madhepura
3. The Sub-Divisional Officer, Udakishunganj, Madhepura
4. The Block Development Officer, Udakishunganj, Madhepura
5. The Circle Officer, Udakishunganj
6. The Additional Collector, Madhepura
7. Smt. Kumkum Devi wife of Shambhu Kumar Sinha resident of Uda Kihanganj P.S. Uda Kishanganj, Mahdepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Respondent/s : Mr. G. K. Agrwal GA-10

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 21-12-2015 Heard counsel for the petitioner and the State.

This writ petition prays for quashing of the order dated 25.07.2011 passed by the respondent-Additional Collector, Madhepura whereby the land of the petitioner appertaining to khata no.34, khesra no.515 (old) and new khesra no.753 measuring an area of 0.75 acres situated in Mauza Herali under Gram Panchayat Udakishanganj in the district of Madhepura was acquired. The petitioner claims the land as his Khatiyani land. Respondent no.7 illegally raised a claim over it. A suit being T.S. No. 323 of 2010 was filed by him against respondent no.7 seeking declaration of title in respect of the subject/suit land and also to



declare gift deed by the respondent concerned in favour of respondent no.7 as illegal. An application for ad-interim injunction was preferred by the petitioner in the said suit. The court by order dated 01.06.2012 (Annexure- 6 to the rejoinder to the counter affidavit) granted ad-interim injunction restraining the parties from either changing the physical feature of the subject/suit land, and/or transferring/alienating the subject/suit land during the pendency of the suit. It is stated that during the currency of the said order dated 01.06.2011 the respondent no.7 sold the subject/suit land in favour of the State for distribution amongst the members of the Mahadalit community. In this regard, the matter was raised before the Addl. Collector, who, by the impugned communication, observed that if there shall be any problem in getting the land then the vendor of the land should compensate the State for vending the piece of land not belonging to her. The title of the subject/suit land was dependent upon the decision of the court in the pending civil suit. It is also observed that in the meanwhile all efforts should be made to restore possession of the persons of the Mahadalit community who were granted the Purcha(s) for their residential purposes.

Having heard the parties, it appears to this Court that the grievance of the petitioner is that the order of injunction passed by

the court has been breached by respondent no.7 and the sale was effected in favour of the State. If there is any breach of the order of the court then the parties may invoke the jurisdiction of the court for deterring such party for having willfully violated the order of the court. In appropriate case, the court may also annul the sale deed. The suit between the parties are unquestionably pending. It will be open to the petitioner to bring to the notice of the court about such violation of the interim order passed by the court in T.S. No. 323 of 2010. If any such application is filed, I am sure the court will take notice of the said application and dispose of the same as quickly as possible in accordance with law.

The application is disposed of.

(Kishore Kumar Mandal, J)

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