

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16278 of 2010

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Ashok Kumar Khaittan, S/O Late Omprakash Khaitan, R/O Mohalla-Bardisangat Thana Road, P.S.- Jehanabad, Distt.- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, New Secretariat, Vikas Bhawan, Bihar, Patna
2. Commissioner, Magadh Division, Gaya
3. The Collector-Cum-District Magistrate, Jehanabad
4. District Superintendent of Education, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Roy

Mr. Kumar Chandra Shekhar

For the Respondent/s : Mr. Ajay Behari Sinha, SC-19

Mr.Priyank Deepak, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 23-03-2015 Heard the parties.

The matter at issue is the execution/implementation of the judgment and decree passed by the Civil Court with respect to the lands under dispute.

It is not in dispute that the petitioner brought Title Suit No.94 of 1991 in the court of learned Additional Munsif, Jehanabad for grant of appropriate reliefs with respect to a plot of land bearing khata no.71, plot no.1663, area 3 decimal, claiming to be his exclusive property. The aforesaid Title Suit has finally been decreed, even on remand made by the appellate court on earlier occasion, by the judgment and decree dated 27.01.2012. In the aforesaid Title Suit, the State of Bihar and its functionaries were defendants. They, being aggrieved by the aforesaid judgment and decree, preferred the Title Appeal No.9 of 2012, which is still pending before the learned Additional District Judge-III,

Jehanabad.

The petitioner has filed the present writ petition essentially for getting the aforesaid judgment and decree passed by the Civil Court executed by issuance of writ of mandamus by this Court. In the counter affidavit filed on behalf of the respondent no.4, claims raised on behalf of the petitioner has not only been controverted, but it has been pointed out that during the pendency of the aforesaid Title Appeal, the petitioner has filed Execution Case No.4 of 2013 for execution of the judgment and decree passed by the learned trial court.

In the aforesaid factual matrixes, the present writ petition filed on behalf of the petitioner is completely misconceived and untenable. It is accordingly dismissed.

However, the petitioner shall be at liberty to pursue his remedy before the Civil Court.

(Birendra Prasad Verma, J)

Arvind/-

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