

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13995 of 2015

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Murlidhar Pandey, son of late Gena Lal Pandey, resident of Mithapur (Jakkanpur), P.S.- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. The Awar Nibandhak, Patna Sadar, Patna.
5. The Zonal Inspector General, Bihar, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Asst. Registrar, Cooperative Societies, Patna Circle, Patna.
8. The Police Incharge, Ram Krishna Nagar Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandit

For the Respondent/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 10-09-2015

Heard the parties.

The petitioner as the Secretary of Suman Sahkari Grih Nirman Samiti, Patna, a society registered under the Cooperative Societies Act (hereinafter referred to as ‘the Society’) claims to be a purchaser of a piece of land bearing plot no.104 of khata no.31 in Mauza- Khemnichak in the district of Patna from one Kharagdhari Narayan amongst other plots.

One Suraj Devi filed a title suit bearing Title Suit No.362 of 2003 claiming to be daughter-in-law of Kharagdhari Narayan questioning his right to transfer in favour of ‘the



Society'. The matter is pending before the court below and the petitioner as the Secretary of 'the Society' has filed a petition under Order 39 rules 1 and 2 of the Code of Civil Procedure. According to Mr. Awadhesh Kumar Pandit, learned counsel appearing for the petitioner, an order of maintenance of status-quo by the parties has been passed. A copy of the order of status-quo is placed at Annexure-1 to the writ petition. It is the grievance of the petitioner that even while the issue as to the right, title and interest of Kharagdhari Narayan to transfer the land in question in favour of 'the Society' is pending consideration before the trial court that a third party has cropped up in the name of Madhuri Kumari who along with some anti-social element again claims the land in question and is disturbing the right, title and possession of the petitioner over the land in question which stands transferred under a registered sale deed executed by the vendor Kharagdhari Narayan. Mr. Pandit submits that being aggrieved by the action of said Madhuri Kumari that he has approached the Registrar, Cooperative societies and who had issued direction to the Sub-Registrar, Patna Sadar to refrain from registering any deed in relation to the plot in question. It is the grievance of the petitioner that this has not stopped the said Madhuri Kumari

from interfering with the right, title and possession of 'the Society' over the plot in question and that even when the order of status-quo is prevailing yet she is creating disturbance.

I have heard learned counsel for the parties and perused the records.

A purely civil dispute has taken the colour of writ petition. The parties to the dispute are engaged in a contest which involves determination of right, title and interest of the rival parties. In my opinion in the circumstances taken note of, the proper remedy for the petitioner would be within the jurisdiction of the civil court and since admittedly a suit on the issue is pending where an order of status-quo is passed, the petitioner, if so advised, may raise his grievance before the court concerned for appropriate reliefs.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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