

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.297 of 2014

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Dilip Kumar Sah son of Late Jai Narayan Sah, resident of Murari Tola, P.O.
and P.S. Kasba, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, New Secretariat, Patna
2. Commissioner, Purnea Division, Purnea
3. Collector, Purnea
4. Sub Divisional Officer, Sadar, Purnea
5. Deputy Inspector General of Police Purnea
6. Superintendent of Police, Purnea
7. Officer-In-Charge, Kasba, P.S. District-Purnea
8. Mosomat Somo Devi wife of Late Bhagu Uraon, resident of Village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District- Purnea
9. Sanjna Uraon son of Bhagu Uraon, resident of Village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District - Purnea
10. Mosomat Jharo Devi wife of Late Munshi Uraon, resident of village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District – Purnea
11. Bishundeo Uraon son of Late Munshi Uraon, resident of Village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District - Purnea
12. Bijay Uraon son of Late Munshi Uraon, resident of village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District - Purnea
13. Mahabir Uraon Son of Late Budhu Uraon, resident of village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District - Purnea
14. Jirki Devi wife of Mahabir Uraon, resident of village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District - Purnea
15. Sanjay Uraon son of Mahabir Uraon, resident of village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba , District - Purnea
16. Ajay Uraon son of Mahabir Uraon, resident of village Jawanpur (Ward No. 17), Mauja Jawanpur, Post Madarghat (Kasba), P.S. Kasba, District -Purnea

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Kumar Uday Singh, Advocate

For the Respondent/s : Mr. Madhukar Krishna Sinha, Advocate

For the State : Mr. A.N. Pandey, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

behalf of the petitioner and learned counsel for the State.

The petitioner has prayed for a writ in the nature of mandamus directing the respondents to remove the huts which according to the petitioner has been forcibly put by the private respondents over Plot No. 530 of Khata No. 75, Mauja-Jawanpur in the district of Purnea which the petitioner claims to be his raiyati land.

Mr. Singh rather strenuously has tried to persuade this Court into issuance of the writ relying upon a decree of the court below passed in Rent Suit No. 9 of 1981 whereby it is stated that consequent upon the failure of the under raiyat to pay the rent, the land in question reverted back to the petitioner only to be again encroached by the private respondents but in the opinion of this Court the issue being deliberated upon in the rent suit and the issue before this Court are on two complete different reliefs and a mere decree in the rent suit would not be sufficient enough for the petitioner to seek a writ of mandamus for restoration of the land which allegedly is said to be in possession of the private respondents. The petitioner has his remedy under the civil laws of the land and he may take recourse to the same.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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