

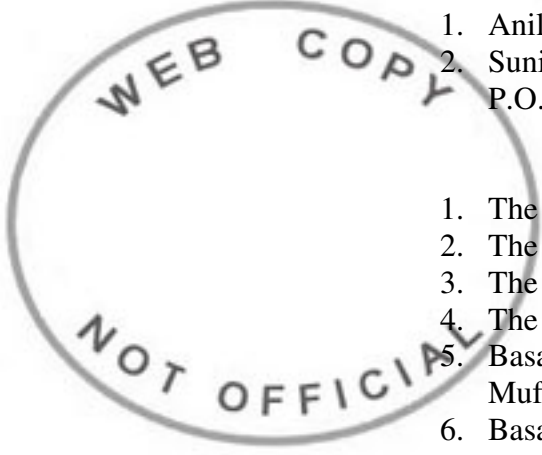
IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1603 of 2015

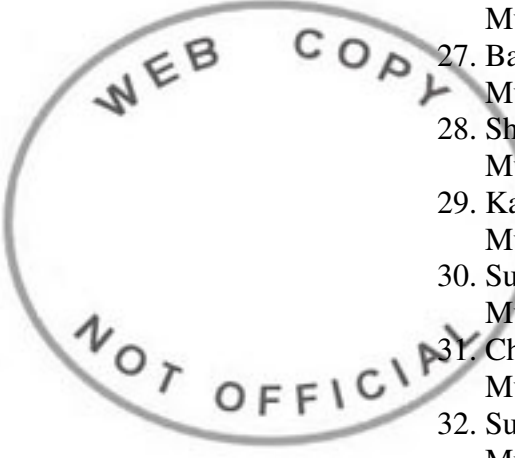
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1. Anil Ram @ Anil Kumar son of Bisheshwar Ram
 2. Sunil Ram son of Bisheshwar Ram all resident of village-Jaisinbigha, P.O. Muffasil, Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Nawada
3. The Land Reforms Deputy Collector, Nawada
4. The Circle Officer, Nawada
5. Basanti Devi son of Munnu Manjhi resident of village Jaisinbigha P.S. Muffasil, Nawada
6. Basanti Devi wife of Mouji Manjhi resident of village Jaisinbigha P.S. Muffasil, Nawada
7. Gangia Devi wife of Bachchu Choudhary resident of village Deh, P.S. Muffasil, Nawada
8. Asha Devi wife of Parmeshwar Choudhary resident of village Deh, P.S. Muffasil, Nawada
9. Savitri Devi wife of Pragas Choudhary resident of village Deh, P.S. Muffasil, Nawada
10. Shanti Devi wife of Ajay Choudhary resident of village Deh, P.S. Muffasil, Nawada
11. Muni Devi wife of Basant Choudhary resident of village Deh, P.S. Muffasil, Nawada
12. Mostt. Meena Devi wife of Late Naresh Choudhary resident of village Deh, P.S. Muffasil, Nawada
13. Pachola Devi wife of Anil Choudhary resident of village Deh, P.S. Muffasil, Nawada
14. Sulabia Devi wife of Karu Manjhi resident of village Deh, P.S. Muffasil, Nawada
15. Maro Devi wife of Kishun Manjhi resident of village Deh, P.S. Muffasil, Nawada
16. Manju Devi wife of Gore Lal Manjhi resident of village Deh, P.S. Muffasil, Nawada
17. Dularia Devi wife of Doma Manjhi resident of village Deh, P.S. Muffasil, Nawada
18. Manti Devi wife of Laldeo Manjhi resident of village Deh, P.S. Muffasil, Nawada
19. Bachchi Devi wife of Balak Manjhi resident of village Deh, P.S. Muffasil, Nawada
20. Gujurba Devi wife of Jalim Manjhi resident of village Deh, P.S. Muffasil, Nawada
21. Madhuri Devi wife of Yugla Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
22. Pramila Devi wife of Chhote Lal Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
23. Rinju Devi wife of Birendra Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
24. Daya Devi wife of Kailash Manjhi resident of village Deh, P.S. Muffasil, Nawada



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25. Manakba Devi wife of Ramdeo Manjhi resident of village Deh, P.S. Muffasil, Nawada
 26. Shardha Devi wife of Dinesh Manjhi resident of village Deh, P.S. Muffasil, Nawada
 27. Balo Devi Wife of Jaldhar Manjhi resident of village Deh, P.S. Muffasil, Nawada
 28. Shanti Devi wife of Babu Lal Choudhary resident of village Deh, P.S. Muffasil, Nawada
 29. Kamla Devi wife of Sito Choudhary resident of village Deh, P.S. Muffasil, Nawada
 30. Sunita Devi wife of Ranjeet Choudhary resident of village Deh, P.S. Muffasil, Nawada
 31. Chamelaba Devi wife of Moti Manjhi resident of village Deh, P.S. Muffasil, Nawada
 32. Sunaina Devi wife of Mohan Manjhi resident of village Deh, P.S. Muffasil, Nawada
 33. Sugia Devi wife of Vijan Manjhi resident of village Deh, P.S. Muffasil, Nawada
 34. Lalita Devi wife of Munna Choudhary resident of village Deh, P.S. Muffasil, Nawada
 35. Mostt. Munti Devi wife of Late Radhe Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
 36. Bhalo Devi wife of Bulu Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
 37. Anita Devi wife of Santosh Choudhary resident of village Deh, P.S. Muffasil, Nawada
 38. Upendra Rajbasnshi son of Sohar Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
 39. Shyambali Rajbanshi son of Natho Rajbanshi resident of village Deh, P.S. Muffasil, Nawada
 40. Manju Devi wife of Gore Lal Rajbanshi resident of village Deh, P.S. Muffasil, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1
For the Respondent/s : Mr. Kinkar Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 03-02-2015 Heard Mr. Yogesh Chandra Verma for the petitioners
and the counsel for the State.

Having heard the parties and considering the rival
submissions made by them and the agreement at the Bar the writ

application is being disposed of at this stage.

The grand father of the petitioner nos. 1 and 2 and father-in-law of petitioner no.3 claim the suit land/subject land settled in his favour by the ex landlord. The name of the settlee was entered in the revenue record after vesting of the intermediary rights. However, during the revisional survey the suit land/subject land stood recorded as Anabad Bihar Sarkar. It is submitted that the government treating the suit land/subject land as the government land propose to settle the same with the eligible class/category of citizens, mostly belonging to the depressed/oppressed classes of the society. A proposal in this regard was mooted and forwarded to the Deputy Collector, Land Reforms, Nawada. By the impugned communication dated 11.09.2014 the Deputy Collector, Land Reforms approved the proposal and directed the Circle Officer to take steps for issuance of Parvana in favour of those settlees. Aggrieved thereby the present writ application has been filed.

A supplementary affidavit has been filed on behalf of the petitioner.

The counsel for the petitioner fairly states that a title suit being Title Suit No. 49 of 2003 has already been filed for a declaration that R.S. khatiyar with respect to the suit land/subject



land prepared in the name of the State of Bihar is wrong and illegal and not binding and further to pass a decree of confirmation of possession. It thus appears that a suit is pending at the instance of the petitioners and/or their family members in the court of competent civil jurisdiction. Through the supplementary affidavit the petitioners have brought on record the petition filed in the said case under Order 39, Rules 1 and 2 read with section 151 of the CPC (Annexure-7) stating therein that the during the pendency of the suit the State Government has proposed to settle the suit land/subject land and therefore to pass an appropriate order injuncting the respondent State from doing so. The said matter is still pending. It has been contended that the said application could not be taken up because of non availability of the Presiding Judge of the court for some time. If the title suit is pending where the relief as prayed in this writ application could have been prayed for and granted, in my view, the writ application does not merit to be entertained.

Taking into account the submissions made by the counsel for the petitioners and on perusal of the material evidencing from record this Court is satisfied that while declining the relief as prayed in this writ application the petitioners be directed to pursue the case/suit. The delivery of possession in

respect of suit land/subject land pursuant to grant of Parcha, if any, shall however remain stayed for a period of five weeks.

The order present shall however not influence the court in any manner in considering the application, if any, filed and pressed by the petitioner in the pending title suit.

The writ application is disposed of with the aforesaid observation/direction.

(Kishore Kumar Mandal, J)

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