

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23361 of 2013

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Habibul Hasan Son Of Late Noor Ahmad Resident Of Mohalla -
Salapatganj, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)

.... Petitioner.

Versus

1. The State Of Bihar Through The Principal Secretary Home, Govt. Of Bihar, Secretariat, Patna
2. The District Magistrate, Saran At Chapra
3. The Superintendent Of Police, Saran At Chapra.
4. The S.D.O., Sadar, Chapra
5. The Executive Magistrate, Chapra Town, Saran
6. The Circle Officer, Sadar, Chapra
7. The S.H.O., Bhagwan Bazae Police Station, Chapra
8. Ajij Miya Son Of Jail Miyan Resident Of Village - Fidar Bazar, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
9. Ajim Miya Son Of Jail Miya Resident Of Village - Fidar Bazar, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
10. Tajib Miya Son Of Jail Miyan Resident Of Village - Fidar Bazar, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
11. Badruja Son Of Tuntun Resident Of Village - Fidar Bazar, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
12. Moinuddin Son Of Late Amir Resident Of Village - Fidar Bazar, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
13. Mohammad Parwez Alam Son Of Late Amir Resident Of Village - Fidar Bazar, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
14. Mohammad Munir Son Of Raja Jurrah Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
15. Most. Manu Nisha Wife Of Late Nazam Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
16. Nazare Imam Son Of Late Bazam Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
17. Habibur Rahman Son Of Late Nazam Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
18. Muni Wife Of Lallan Jaran Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
19. Madina Wife Of Manuddin Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)
20. Jariha Wife Of Neyaz Resident Of Mohalla - Salapatganj, Gudri, P.S. Bhagwan Bazar, P.O. Chapra Town, District - Chapra (Saran)

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Dr. Alok Kumar Sinha

For the Respondent/s : Mr. Madhuresh Prasad

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 21-04-2015

Heard the learned counsel for the parties.

The present writ application under Article 227 of the Constitution of India has been filed by the petitioner seeking a direction to the State-respondents for executing the writ of delivery of possession passed in Execution Case No.11/2010. The fact is not in dispute that the petitioner is a decree holder in a suit for partition. The final decree has been prepared in pursuance to the preliminary decree passed in the suit, and thereafter, the Execution Case No.11/2010 has been filed by the petitioner seeking delivery of possession in accordance with the final decree. It is the case of the petitioner that in pursuance to the order by the executing court the petitioner has also deposited the cost for deputation of police force for execution of the writ of delivery of possession but the delivery of possession could not be effected up till now. The cost has been deposited on 30.08.2011.

It does not however transpire from the writ application and even from the submission on behalf of the petitioner that after 30.08.2011 the petitioner has ever approached the executing court for enforcing the order for

delivery of possession. In this view of the matter, this Court is not inclined to issue direction as prayed by the petitioner in this writ application.

However, the petitioner shall be at liberty to approach the executing court below with appropriate relief for execution of the writ of delivery of possession and if such petition is filed by the petitioner the same shall be disposed of by the executing court below expeditiously on its own merits.

The writ application is dismissed with aforesaid liberty.

(V. Nath, J)

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