

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9505 of 2014

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Ram Shankar Sah S/o Late Ram Swaroop Sah Resident of Village Haripur, Bhirha,
P.S. Rosera, District Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Samastipur, District Samastipur.
3. The Superintendent of Police, Samastipur, District Samastipur.
4. The Deputy Collector Land Reforms, Rosera, District Samastipur.
5. The Officer in-charge Rosera Police Station.
6. The Circle Officer, Rosera, District Samastipur.
7. Sanjay Kumar Roy
8. Dig Vijay Roy
9. Mohan Roy All S/o Late Ram Sewak Roy
10. Lalo Roy
11. Dholi Roy Both S/o Late Radhe Roy Respondents No. 7 to 11 Resident of Village Haripur Bhirha, P.S. Rosera, District Samastipur.

.... Respondents

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Appearance :

For the Petitioner : M/S Ashok Kumar Pandey and
Jitendra Kumar Pandey, Advocates

For the State : Mr. Avinash Kumar, S.C.30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-01-2015

Learned counsel for the petitioner submits that after grant of homestead purcha in the year 2001 under the Bihar Privileged Persons Homestead Tenancy Act, the petitioner had come in possession. The private respondents, being a stranger to the property, are disturbing the possession of the petitioner on the land in question. It is submitted that the private respondents had filed Title Suit No.42 of 1995 which was dismissed on 13.5.2011 but even then they are engaging themselves in such activity.

However, since the petitioner has admittedly already filed a case before the D.C.L.R. under the Bihar Land Disputes Resolution Act, 2009 for redressal of his grievance, this writ application is being disposed of with a direction to the respondent no.4, the D.C.L.R., Samastipur to dispose of the B.L.D.R. Case No.72 of 2013 filed by the petitioner on its own merit and in accordance with law expeditiously preferably within a period of three months.

This is made clear that this Court has not expressed or formed any opinion with respect to the respective cases of the parties.

Learned counsel for the petitioner has also submitted that an order for maintaining status quo should be passed till the case is decided.

I am afraid such orders cannot be passed by this Court in the matter which is pending before the authority under the B.L.D.R. Act. The petitioner, if so advised, would be at liberty to approach the concerned forum itself, which he has chosen, for the purpose of grant of such interim relief.

This writ application stands disposed of.

(Dr. Ravi Ranjan, J)

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