

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1193 of 2014

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Shambhu Prasad, Son of Late Vishwanath Prasad Resident of Village -
Pachora, P.S. - Harnaut, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Nalanda.
 2. The District Magistrate, Nalanda.
 3. The Deputy Collector, Land Reforms, Nalanda at Bihar Sharif.
 4. Ram Yatan Paswan Son of Late Harihar Paswan.
 5. Ramadhin Paswan, Son of Chhobu Paswan.
- Both resident of village - Pachora, P.S. - Harnaut, District - Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 21-07-2015 Heard learned counsel for the petitioner and
learned AC to AAG-9 for the State.

The petitioner seeks a direction to the respondent authorities to implement the order dated 24.03.2003 passed by the Executive Magistrate, Bihar Sharif, Nalanda in Case No. 138(M) of 1997, T.R. No. 06 of 2003 by which proceeding under Section 145 of the Code of Criminal Procedure, 1973 has been decided in favour of the petitioner declaring that he is in possession of the land bearing Khata No. 62, Khesra No. 345, area of 0.71 decimals in village – Pachora, P.S.-Harnaut in the district of Nalanda and the private respondents no. 4 and 5 have been restrained not to venture upon the land.

Learned counsel for the petitioner submits that despite the said order having been challenged by the private

respondents in Criminal Revision No. 153 of 2003, the same has neither been interfered with nor stayed, but still the authorities are not ensuring the petitioner in enjoying peaceful possession over the said land.

A counter affidavit has been filed on behalf of respondents no. 2 and 3 in which though they are accepting the possession of the petitioner in terms of the order dated 24.03.2003 but are silent with regard to whether they have ensured that the petitioner enjoys peaceful possession over the land in question.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the application stands disposed off with a direction to the respondent no. 2 to ensure that the order dated 24.03.2003 referred above, if still in force, be implemented and also to ensure that the petitioner gets to enjoy the peaceful possession of the land in question. It goes without saying that the same shall be subject to any decision of the competent Court in relation to the order dated 24.03.2003 passed in the aforesaid case. The order be implemented forthwith, failing which the petitioner shall be at liberty to move this Court in an appropriate proceeding.

(Ahsanuddin Amanullah, J.)

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