

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4592 of 2015

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Oversiar Prasad

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Respondent/s : Mr. Gp13- Nasim Yahya

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 11-03-2016 Heard the learned counsel for the petitioner and learned
counsel for the respondent.

It appears that the plaintiff respondent filed the Title Suit No.81 of 2011 for declaration of title and confirmation of possession. The defendants contested the suit. Thereafter, the plaintiff filed injunction application praying for restraining the defendants, i.e., the State authorities from demolishing the house, i.e., Plani of the plaintiff on the ground that plaintiffs are residing there. The trial Court after hearing both the parties granted injunction recording finding that in fact the plaintiffs are in possession of the Palani and are residing there and restrained the State authorities. The State filed separate Misc. Appeal and the private defendant filed separate Misc. Appeal. By the impugned order, the lower appellate Court dismissed both the appeals and

confirmed the injunction order passed by the trial Court recording the same finding that the plaintiffs are in possession of the Palani and if it is demolished during the pendency of the suit, they shall suffer serious loss.

It may be mentioned here that the State is not the petitioner in this writ application. Further, the petitioner has not been restrained either by the trial Court or by the appellate Court. Therefore, the petitioner is not an aggrieved person.

In view of the findings recorded by both the Courts below and in view of the fact that only the State authorities have been restrained, it is not a fit case for interference in supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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