

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5734 of 2013

In

Civil Writ Jurisdiction Case No. 6084 of 2009

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Harishchand Bhagat, son of Late Kashi Bhagat, resident of Village Murar Batraha, Ahirauli Tole, P.O. Baghauch, Parsa, P.S. Phulwariya, District Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Sri Krishna Mohan Prasad, the Collector, Gopalganj, District Gopalganj.
3. Sri Krishna Mohan Prasad, the Sub Divisional Officer, Hathuwa, District Gopalganj.
4. Sri Nizamuddin Ansari, the Circle Officer Phulwariya, District Gopalganj.
5. Guljar Bhagat, S/O Devidayal Bhagat, resident of Village Murar Batraha Ahirauli Tole, P.O. Bhaghauch Parsa, P.S. Phulwariya, District Gopalganj.
6. Indrashen Bhagat, S/O Mehar Bhagat, resident of Village Murar Batraha Ahirauli Tole, P.O. Bhaghauch Parsa, P.S. Phulwariya, District Gopalganj.
7. Gagandeo Bhagat, S/O Late Sukhraj Bhagat, resident of Village Murar Batraha Ahirauli Tole, P.O. Bhaghauch Parsa, P.S. Phulwariya, District Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Shrivastwa, Advocate

For the Respondent/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 26-10-2016

Heard learned counsel for the petitioner and the State.

The petitioner raised a grievance before this Court by filing a writ application, bearing C.W.J.C. No. 6084 of 2009, for disposal of Encroachment Case No. 09/2005-06, against private respondents, pending before the Circle Officer, Phulwaria, District Gopalganj. The writ application was disposed of on 09.10.2012 with a direction to respondent no.4 to dispose of the encroachment

case.

A show-cause has been filed on behalf of the State stating that the notices were issued in the Encroachment case, but the learned Munsif, Gopalganj in T.S. No. 20 of 2010 has passed the order of status quo on 27.07.2013.

This contempt application is disposed of with a direction to the concerned Munsif, who is in seisin of T.S. No. 20 of 2010 to dispose of the same within a period of nine months from today without granting unnecessary adjournment to the parties.

In the meantime, the petitioner would also be at liberty to challenge the said order in appeal.

It goes without saying that the challenge to the order, dated 27.07.2013, granting status quo in appeal, if any, would not mean that the Munsif concerned would not proceed with the disposal of Title Suit no. 20 of 2010 expeditiously, as observed above.

Let a copy of this order be forwarded to the learned District Judge, Gopalganj and also to the concerned Munsif, who is in seisin of Title Suit no. 20 of 2010.

(Samarendra Pratap Singh, J.)

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