

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1940 of 2017

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Bhim Shankar Tiwary, Son of Late Rameshwar Tiwary, resident of Kalyani co-operative, New Area Harnichak, Near Satya Gas Godown, P.O. Anisabad, P.S. Beur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Director General of Police, Old Secretariat, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Circle Officer, Phulwarisharif, Patna.
6. The Station House Officer, Phulwarisharif, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1942 of 2017

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Ranju Devi Daughter of Ramanand Upadhayay, resident of Kalyani co-operative, New Area Harnichak, Near Satya Gas Godown, P.O. Anisabad, P.S. Beur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Director General of Police, Old Secretariat, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Circle Officer, Phulwarisharif, Patna.
6. The Station House Officer, Phulwarisharif, Patna.

.... Respondent/s

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Appearance:

(In CWJC No.1940 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Advocate.

For the Respondent/s :

(In CWJC No.1942 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Advocate.

For the respondents : Mr. Rakesh Kumar Shrivastava, AC to GP-15.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-02-2017



This order shall dispose of C.W.J.C. Nos. 1940 of 2017 and 1942 of 2017 filed by Bhim Shankar Tiwary, Son of Late Rameshwar Tiwary and Ranju Devi, Daughter of Ramanand Upadhyay and wife of Bhim Shankar Tiwary respectively.

2. The petitioner Bhim Shankar Tiwary claims to be the purchaser from M/s Kalyani Sahkari Grih Nirman Samiti Limited vide sale deed dated 03.05.2005, whereas his wife Ranju Devi claims to be the purchaser of another piece of land in question from one Mr. Shri Shiv Prasad Gupta vide sale deed dated 12.05.2006.

3. In fact, it is asserted by the respondents that the petitioners are deriving the right of title from Smt. Shanti Devi, the mother of the petitioner, Bhim Shankar Tiwary, who is a party in the Title Suit decreed on 31.08.2015. There is dispute as to whether Smt. Shanti Devi appeared before the executing court or not as in the case of the two writ applicants – Soven Lakra and Iqbal Ganni in CWJC Nos. 1937 of 2017 and 1945 of 2017, but the fact remains that the writ applicants are claiming purchase on the basis of the sale deeds which is without any further assertion that as to their seller was owner of the land.

4. On the other hand, the stand of the respondents is that both the petitioners may be in possession as a licensee of Shanti Devi only.



5. Whether the petitioners have independent right or are licensee of Shanti Devi is a disputed question of fact. We do not wish to examine the disputed question of fact in the present writ applications. Accordingly, the writ applications stand dismissed. It is open to the petitioners to take recourse to the alternative remedy as they may choose to avail in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.03.2017
Transmission Date	

