

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17553 of 2013

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1. Balbachan Ram, son of late Badri Ram,
 2. Nand Lal Ram, son of bal Bachan Ram &
 3. Krishna Kumar Ram, son of Bal Bachan Ram, all are residents of
villasge-Mouja Harpur Safi Tola, P.O. Uchkagaon, District-Gopalganj
.... Petitioners

Versus

1. Chabila Sah, son of late Devdhari Sah,
 2. Alim Hussain, son of late Hakim Mian,
 3. Shamsheer Hussain, son of Alim Hussain,
 4. Lal Bahadur Pandit, son of Bhawan, Pandit,
 5. Ram Pujan Goud, son of late Raj Mohan Goud,
 6. Jawahir Pandit, son of late Mahendra Pandit,
 7. Jalaluddin, son of Isamuddin,
 8. Durbal Sah, son of late Bira Sah,
 9. Dwarika Sah, son of late Bhola Sah,
 10. Narad Pandit, son of late Babulal Pandit &
 11. Shankar Sah, son of late Mahadeo Sah, all resident of Mouja Harpur
Safi Tola P.O. Sankheekhas, P.S. Uchkagaon, District-Gopalganj
.... Respondents
- =====

Appearance :

For the Petitioners : Mr. Dhramveer, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 11-12-2017 This application has been filed to quash the order dated 31.01.2013 passed by learned Sub Judge-I, Gopalganj in Title Suit No.660 of 2012 whereby and whereunder the learned court below admitted the suit of respondents and issued summons against the petitioners and others.

2. Heard learned counsel for the petitioners and perused the record.

3. It has been submitted that the suit land is a government land known as Gairmazura Malik. The defendants are



in possession of suit land for which a Parcha was granted in his name by Bihar Bhudan Yogya Committee on 15.04.2010. The plaintiff has not filed any appeal against the order granting Parcha and so the suit is not maintainable.

4. Be that as it may. Admittedly the court below on being satisfied with the averment made in the plaint has admitted the case for hearing. The defendants-petitioners are required to file written statement and raise their objection before the court below.

5. In view of above, I do not find any illegality in the impugned order whereunder the summons have been issued against them for filing written statement and contesting the suit.

6. This application is accordingly dismissed.

(Sanjay Kumar, J)

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