

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.783 of 2016

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1. Army No. 0693339684 Y Hawaldar Clerk Narendra Kumar, S/o. late Indrasan Bhagat, OSS, 508, Thal Sena Base Workshop, Killa, Allahabad-211005 Permanent Address of Village- Aithi P.O. Mushari Bazar, P.S. Vijyaur, District- Gopalganj
 2. Dharmendra Kumar Son of Late idrasan Bhagat resident of Village- Aithi, P.O. Mushari Bazar, P.S. Vijyapur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar, Patna
2. The Home Commissioner, Govt. of Bihar, Patna
3. The Director General of Police, Govt. of Bihar, Patna
4. The District Magistrate, Gopalganj
5. The Superintendent of Police, Gopalganj
6. The Sub-Divisional Officer, (Civil), Hathua, District- Gopalganj
7. Land Reforms Deputy Collector, Gopalganj
8. Shri Ravindra Kumar Tripathi (Circle Officer), Vijayapur, P.S. Vijayapur (Hathua), District- Gopalganj
9. Kanta Bhagat Son of Late Juthan Bhagat
10. Om Prakash Bhagat Son of Late Juthan Bhagat
11. Ram Prawesh Bhagat Son of Late Juthan Bhagat
12. Ram Aagaya Bhagat Son of Late Juthan Bhagat
13. Amarjeet Bhagat Son of Late Juthan Bhagat
14. Sharma Yadav Son of Late Nakched Yadav
15. Bir Bahadur Yadav Son of Late Nakched Yadav All Resident of village- Aithi, P.O. Mushari Bazar, P.S. Vijyapur, District- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dayan Shanker Prasad, Advocate
Ms. Sugandha Prasad, Advocate
For the Respondent/s : Mr. Awanish Nandan Prasad (Gp11)
Mr. Ashok Kumar Pathak, AC to GP-11
For Respondent Nos.9 to 15: Mr. Arun Kumar Singh No.3, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 01-11-2017

It is evident that there is civil dispute for land between the petitioners and private respondent Nos.9 to 15.

The writ application discloses that the authorities under Bihar Land Dispute Resolution Act, 2009, have passed certain



orders for restoration of possession of land in favour of the petitioners. The writ application has been filed for a direction to the respondents to restore the possession of the petitioners.

To counter the aforesaid prayer of the petitioner, submission of the respondents is that the same authority has passed two conflicting orders. In the subsequent order the authorities directed the respondent Nos.9 to 15 to file civil suit and accordingly these respondents have filed Title Suit No.831 of 2014 against the petitioners, which is pending before the learned Sub-Judge, Gopalganj. Contention of the respondents is that in view of the aforesaid pendency of civil suit and adequate remedy to the petitioners thereat, this Court should not enter into the disputed question of fact in exercise of their writ jurisdiction.

Since the petitioners have remedy to approach the appropriate authority for redressal of their grievance, this Court cannot sit as executing Court or Court of appeal. Therefore, this writ application stands dismissed as devoid of any merit.

(Birendra Kumar, J)

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