

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11370 of 2015

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1. Banni Devi, daughter of Sri Moti Lal Sah, resident of Village- Molnapur Bazar, P.O.- Molnapur Bazar, P.S.- Basantpur, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat Building, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar New Secretariat Building Patna P.S. Sachivalya Distt. Patna
3. The Collector cum District Magistrate Siwan P.S. Siwan Town District- Siwan.
4. The Additional Collector (Revenue) Siwan P.S. Siwan Town Distt. Siwan.
5. The D.C.L.R. Maharajganj Siwan PS Siwan Town Distt. Siwan
6. The Circle Officer, Basantpur PS Basantpur Distt. Siwan.
7. The Superintendent of Police, Siwan PS. Siwan Town, Distt Siwan
8. The Officer-in-charge Basantpur PS. District Siwan.
9. Aatur Rehman, Headmaster, Rajkiya Utkramit Madhya Vidyalaya Molnapur Bazar, PS Basantpur District Siwan.
10. Sudhir Yadav Assistant Teacher Rajkiya Utkramit Madhya Vidyalaya Molnapur Bazar PS Basantpur District- Siwan.
11. Raja Lal Prasad, Son of Late Keshwar Prasad, resident of village and P.O Molnaphur Bazar, P.S Basantpur, District- Siwan.
12. Promad Prasad son of Dhurb Prasad resident of village- Molnaphur Bazar, P.S Basantpur, District- Siwan.
13. Abhas Mian, son of late Raja Hussain, resident of Village Molnapur Bazar, P.S Basantpur, District- Siwan.
14. Baleshwar Prasad son of late Jang Bahadur Sah, resident of village- Molnaplur Bazar, PS Basantpur District- Siwan.
15. The District Land Acquisition Officer, Saran, PS Chapra Town District- Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta

For the Respondent/s : Mr. Md. Raisul Haque- Sc4

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

5 27-02-2017 Supplementary affidavit is filed on behalf of the petitioner. Likewise, supplementary counter affidavit is filed on behalf of respondents no. 3 to 6.

The Circle Officer, Basantpur, District Siwan is present in person before the court and submitted the measurement report as well as sketch map.

It is heartening to see that during pendency of this petition, the private respondent without having any fear of this court transferred the disputed land in favour of concerned school by executing gift deed. Apart from this, the Circle Officer Basantpur was directed by this court vide order dated 08.02.2017 to place a sketch map with plot numbers and boundary of the land of Shiv Shanker in whose favour Jangbahadur executed the sale deed but the Circle Officer has only submitted sketch map and did not mention the name of those persons who were in the boundary of transferred land of Jangbahadur. The aforesaid fact goes to show that not only private respondents no. 9 to 14 but also the concerned Circle Officer tried to mislead this court. However, the



private respondent no. 14 as well as petitioner both are claiming their title and possession in respect of the disputed plot no. 554 though respondent no. 14 claimed that some portion of plot no. 554 has already been transferred to the Hon'ble Governor for construction of a school and the school building has already been constructed.

Learned counsel appearing for the State fairly concedes this fact that on six dhur of plot no. 554 the school building has been constructed but as a matter of fact, the school building had been coming on the aforesaid land since long and after demolition of old building, new building has been constructed on the same place.

Since the issue of title and possession is involved in this matter, in my view, the aforesaid issue cannot be decided in this writ petition and the parties may take legal recourse by filing suit before the competent authority.

In view of the aforesaid discussions, this writ petition stands disposed of giving liberty to petitioner to file regular suit before the competent authority, if she thinks so. However, it is made clear that execution of gift deed by respondent no. 14 during pendency of this petition shall not affect the right, title and



possession of the petitioner in course of hearing of regular suit. Furthermore, it is observed that if petitioner files regular suit for any relief in respect of the plot in question, the concerned court shall proceed with the aforesaid regular suit in accordance with law and shall make all efforts to dispose of the aforesaid suit expeditiously.

The personal appearance of Circle Officer, Basantpur, District Siwan stands dispensed with.

(Hemant Kumar Srivastava, J)

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