

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 24623 of 2013

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1. Ishwari Lal Yadav, Son of Late Shrawan Yadav.
 2. Manju Devi, Wife of Ishwari Lal Yadav.

Both Resident of Village- Sathiyari, Police Station- Katoria, District- Banka, at
Present Residing at Prakhand Colony, Police Station- Katoria, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Banka.
3. The Sub-Divisional Officer, Banka.
4. The Circle Officer, Katoria, Banka.
5. The Executive Engineer, P.W.D., Road Construction Department, Road Division, District- Banka.
6. Smt. Meera Devi, Wife of Sri Girija Shankar Modi, Resident of Mohalla-Aliganj, Ward No. 3, P.O. + P.S. Banka, District- Banka at Present Residing at Sabad Sadan, Sikandarpur, Mirjanhat, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Jha, Advocate
For the State	:	Mr. Anjani Kumar, A.A.G. 4
		Mr. Samay Kumar, A.C. to A.A.G. 4
For the Respondent No. 6	:	Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-02-2017

Heard learned counsel for the parties.

The petitioners have moved this Court for the
following reliefs:

“(i) To quash memo no.



732 dated 03.12.2013 issued by the Circle Officer, Katoria, by which petitioner no. 1 has been directed to vacate the lease area of plot (khesra) no. 30 appertaining to khata no. 2 situated within village kathoun, circle katoria, District- Banka, 11.12.2013, otherwise, forcible eviction shall be made on 12.12.2013.

(II) To directed the respondent no. 2, 3 and 4 not to evict the petitioners from their house without identification of the property in question and demarcation of the leased area made by the respondent no. 6 in favour of the P.W.D.

(III) To grant any other relief(s), which may deem fit and proper in the facts and circumstances of the case.”

The brief facts of the case is that an area of 9 decimals of land which belonged to the respondent no. 6, was leased by her to the respondent no. 5 in the year 1984 and on 02.09.1995, the premises was vacated by the official respondent, but the petitioner no. 1, who was an employee in the office of the respondent no. 5, and was given a place to live in the rented premises when the office was running from there, is said to have remained in possession, without vacating the land. On the other hand, the case of the petitioners is that they had bought 3.26 decimals of land through registered sale deed and were occupying only that portion.

In view of the controversy, this Court had directed the



respondents to produce the records relating to the eviction, since earlier a Division Bench of this Court by order dated 27.02.2013 in L.P.A. No. 256 of 2013 had directed the District Magistrate to ensure that the respondent no. 6 gets her lease property back after identification of the leased area and property on the basis of documents.

The records have been produced and the categorical statement is that as per the written agreement by the respondent no. 6 of the year 1984, 2 decimals of land out of total of 9 decimals was leased out and the same was in terms of the map prepared in the year 1984 itself. The said map is also on record and as per the stand of the State, only the said portion of 2 decimals area, which the respondent no. 6 had leased out the respondent no. 5, vacant possession has been restored to the respondent no. 6 by the State authorities and also that 7 decimals of land beyond the said 2 decimals, belonging to the respondent no. 6 remains with her.

Thus, from the records and the averments made on oath in the pleadings, the action of the respondents seems to be in accordance with the direction given by the Court in L.P.A. No. 256 of 2013 in its order dated 27.02.2013. Further, there being serious dispute with regard to the facts and the dispute being between private parties, i.e., the petitioners and the respondent no. 6, the Court does



not deem it appropriate to interfere in the matter.

Accordingly, the writ petition stands disposed off with liberty to the parties to move before the appropriate forum in accordance with law with regard to any grievance relating to the land in question.

(Ahsanuddin Amanullah, J.)

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