

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9386 of 2013

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Md. Mobarak Hussain @ Mobarak Hussain son of Refakat Hussain resident of Village- Dhaka Ram Chandra, Tola- Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).

.... Petitioner

Versus

- 1(a). Sehra Khatoon W/O Kasim, D/O Late Jahirul Haque, R/O- Khapar, Nepal,
District- Bara, Nepal.
- (b). Hajra Khatoon W/O Islam, D/O Late Jahirul Haque R/O Motipur, Nepal,
P.O.- Motipur, Distt.- Bara, Nepal.
2. Sk. Shamsul Haque son of Sk. Jahirul Haque resident of Village- Dhaka Ram Chandra Tola Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).
3. Sk. Ruhul Haque son of Sk. Jahirul Haque resident of Village- Dhaka Ram Chandra Tola Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).
4. Sk. Nazeem son of Sk. Amir Hasan resident of Village- Dhaka Ram Chandra Tola Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).
5. Sk. Kazeem son of Sk. Amir Hasan resident of Village- Dhaka Ram Chandra Tola Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).
6. Sk. Nazir son of Sk. Amir Hasan resident of Village- Dhaka Ram Chandra Tola Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).
7. Sk. Habib son of Late Abdul Aziz resident of Village- Dhaka Ram Chandra Tola Chainpur, Post Office + Police Station- Dhaka, District- East Champaran (Motihari).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 13-09-2018

Petitioner before this court is plaintiff of Title Suit No.232
of 2005 pending in the court of learned Subordinate Judge I, Motihari,
East Champaran. He has filed this writ application for quashing the



order dated 11.10.2012 whereby and whereunder his prayer to repair the room was rejected.

2. Heard learned counsels for the petitioner as well as the respondents.

3. It appears that the petitioner filed the aforesaid title suit for declaration of his title over 1 katha 6 dhoor land of plot no.2733. The said land stands recorded as 'Gairmajarua Khas'. The claim of the petitioner is that the land was settled by the State of Bihar in his name and he has got his residential house over the same.

4. The respondents, on the other hand, claim that they have got land in plot no.2732 which is amalgamated with plot no.2733. They are in possession over the said land since the time of their ancestor and so they have acquired title by virtue of adverse possession. The said land has been amicably partitioned by the family of respondents. The plaintiff has no right to go over the land. The plaintiff in the garb of permission for repairing, wants to construct house over the said land.

5. On perusal of impugned order, it appears that the learned court below refused the prayer of the petitioner in view of the fact that there was nothing on record to show physical feature of the suit land and claim of possession of plaintiff over the same.

6. In view of above facts, I find no reason to interfere with



the impugned order. This writ application is devoid of merit and the same is accordingly dismissed.

(Sanjay Kumar, J)

Harish/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.09.2018
Transmission Date	

