

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1072 of 2017**

1. Gauri Shankar Prasad
2. Sunil Kumar Singh, Both sons of Ram Parikha Singh
Resident of Village Dalsagar, P.S. Buxar, District Buxar.

... .. Plaintiffs/Petitioners

Versus

1. The State of Bihar through the Collector, Buxar.
2. The D.C.L.R., Buxar.
3. The Circle Officer, Buxar.
4. Umashankar Singh, Son of Late Kedar Nath Yadav, Resident of Village Dalsagar, P.O. Dalsagar, P.S. Buxar, District Buxar at present Quarter No.438, Sector III, E., Post+P.S. Bokaro Steel City, District Bokaro (Jharkhand).
5. Geeta Devi, Wife of Nathuni Prasad, Resident of Village Nadav, P.O. Nadav, P.S. Buxar, District Buxar.

... .. Defendants/Respondents

Appearance :

For the Petitioners	:	Mr. Bhubneshwar Prasad, Advocate
For the State	:	Mr. R.K. Roy, G.P.18
For Res. Nos.4 & 5	:	Mr. Ashok Kumar Dubey, Advocate Ms. Mamta Vijaya, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-12-2018 Heard both sides.

The petitioners have filed this civil miscellaneous petition against the order dated 16.03.2017, passed by Fast Track Court-I, Buxar in Misc. Appeal No.04 of 2016 whereby the learned Additional Judge, F.T.C.-I, Buxar modified the order dated 15.02.2016 passed by the learned Munsif, Buxar in Title Suit No.85 of 2011 and directed the plaintiffs to maintain status quo.

The petitioners are the plaintiffs. Plaintiffs filed the suit for declaration of occupancy right and cancellation of



settlement made in favour of defendants no.4 and 5. During the pendency of the suit, the plaintiffs as well as the defendants filed injunction petition but the learned Munsif vide order dated 15.02.2016 directed both parties to maintain status quo with regard to the suit land. The plaintiffs filed Misc. Appeal No.04 of 2016 and the learned Additional Judge modified the order passed by learned Munsif to the extent that since the plaintiffs are in possession of the land and, therefore, they are directed not to change the status of the land during the pendency of the suit by order dated 16.03.2017.

Learned counsel for the petitioners submits that since the petitioners have got their house and huts on the disputed land and they are residing therein, therefore, the status quo order should not have been issued against the petitioners and the order is erroneous but from perusal of the order it appears that the petitioners claimed his occupancy right by virtue of their long possession over the land although the record of rights of the disputed land is standing in the name of State of Bihar and the State of Bihar settled the land in favour of respondents no.4 and 5 but since the petitioners were found in possession of the land, the learned Additional Judge directed the petitioners-plaintiffs not to change the nature of the suit and maintain status quo thus,



I do not find any illegality or jurisdictional error in the order.

Accordingly, this civil miscellaneous petition is
dismissed as de void of any merit.

(Prabhat Kumar Jha, J)

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