

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19931 of 2014

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Gulab Prasad S/o Late Basgit Ram, R/o village- Sonar Toli, P.S.-Sasaram, District-
Rohtas. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Rohtas, District- Rohtas.
3. The D.C.L.R. Sasaram, District- Rohtas.
4. The Circle Officer, Sasaram, District- Rohtas.
5. Rameshwar Ram S/o Ganpat Ram
R/o Village- Mohalla Sonar Toli, P.S.- Sasaram, District- Rohtas.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Adv.
For the Respondent/s : Mr. Umesh Kumar Roy, GP-11

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 11-05-2018

This application has been filed for issuance of an appropriate direction to the respondent authority to restore possession of the petitioner in the light of order dated 19.02.1981 passed in Title Suit No. 194 of 1975 and also in the light of deed of gift dated 17.01.1973.

2. Heard learned counsels for the petitioner and the respondents.

3. It appears that the petitioner had filed the aforesaid Title Suit No. 197 of 1975 for declaration that the sale deed dated 13.12.1973 executed by the defendant No. 2 in favour of defendant No.1 as illegal and inoperative. The suit was filed against Babulal Bhadoria and others. The present writ application has been filed against the State of Bihar and others. The defendant of Title Suit No.194 of 1975 namely Babulal Bhadoria is not party before this Court. The petitioner has not annexed the copy of decree



to show that the present respondents were party in the said title suit. The petitioner filed a Land Dispute Case No. 27 of 2013 against Rameshwar Ram and others for removal of encroachment with respect to 12 dhur land belonging to the petitioner. There is nothing on record to show that the petitioner was out of possession from the suit land. The cause of action in Title Suit No. 194 of 1975 was quite different to the case placed before the D.C.L.R. Sasaram. The plaintiff has not sought relief for recovery of possession and so the petitioner cannot be put in possession under the writ jurisdiction of this Court.

4. From the order of D.C.L.R. it appears that the opposite parties were directed to remove their structure from the encroached area within a month otherwise the same would be removed through the process of law.

5. In view of above facts, this application appears devoid of merit and is accordingly dismissed. The petitioner is at liberty to raise his grievance before an appropriate forum for recovery of possession/removal of encroachment in accordance with law.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17/05/2018
Transmission Date	

