

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18089 of 2018

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1. Nirmala Devi W/o Sri Ram Suresh Dubey, Resident of Mohalla-Laskariganj, P.O. & P.s.-Sasaram, District-Rohtas.
 2. Sumitra Devi W/o Sri Yamuna Chaudhary, Resident of Mohalla-Laskariganj, Bandh, P.O. & P.S.-Sasaram, District-Rohtas.
 3. Kalawati Devi W/o Sri Bhuneshwar Prasad, Resident of Mohalla-Karan Sarai, P.O. & P.s.-Sasaram, Distirct-Rohtas.
 4. Abhishek Kumar S/o Buchu Prasad Srivastava, Resident of Gajragh Gaurakshani, P.O. & P.S.-Sasaram, Disrict-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Sasaram, Rohtas.
3. The Additional Collector, Sasaram, Rohtas
4. The Sub-Divisional Officer, Sasaram, Rohtas
5. The Circle Officer, Sasaram, Rohtas.
6. Sasaram Municipality through its Executive Officer, Sasaram Municipality, Rohtas.
7. Prahlad Dubey
8. Rama Shankar Dubey
9. Gauri Shankar Dubey all Sons of Late Raj Kumar Dubey
10. Binda Devi
11. Bidya Devi
12. Suman Devi all D/o Late Raj Kumar Dubey R/o Mohalla-Laskariganj Sonartoli, Sasaram, P.S.-Sasaram, Distirct-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tuhin Shankar
For the State	:	Mr. Rakesh Kr. Shrivastava, AC to GP-15
For Nagar Parishad Sasaram	:	Mr. Vijay Shankar Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 11-10-2018

Heard the parties.

2. Petitioners claim to be purchasers of plots from a large piece of land bearing Khata No. 86, Plot No. 202/256 under Thana No. 133, Ward No. 2 in the district of Rohtas through



separate transactions, the details of which are present in paragraphs 4 to 7 of the writ petition. The vendor of the petitioner Raj Kumar Dubey has deceased and his children are on record vide respondent nos. 7 to 12. In between the purchase and presently, a dispute arose between the children and the respondent authorities in respect of the plot in question which led to filing of CWJC No. 3059 of 1997 but much prior thereto, the petitioners had already transacted a portion of the land from the father of the respondent nos. 7 to 12, who are petitioners in the said writ petition.

3. Be that as it may, the writ petition was allowed with direction to the district authorities not to interfere with the possession of those petitioners in respect to the plot in question until they would take recourse to appropriate proceedings for acquisition of land. Some kind of interference came, which gave rise to contempt application bearing MJC No. 884 of 2016 and during its pendency the said petitioners donated 578 sq. ft. of land for the purpose of hospital. Since this interference did not concern the present petitioners at any stage, they did not choose to participate in the proceeding but according to the petitioners it is after the disposal of the matter from this Court that at the instance of the private respondents who were petitioners of the said case



and are children from the vendor of the petitioner Raj Kumar Dubey that the district authorities have started to interfere with the possession of the petitioners over the land in question by removing their structures.

4. Mr. Tuhin Shankar, learned counsel appearing for the petitioners while admitting that it is a dispute in between the petitioners and the private respondents submits that since, the district authorities including the Collector has stepped into the matter to cause interference with the peaceful possession of the petitioners over the properties in question that the writ petition is filed.

5. We may record that there is neither any notice issued in this regard nor any direction is given by the district authorities. Thus, except for the oral assertions of the petitioners, there is anything on record which would indicate any interference by the district authorities in the matter.

6. Be that as it may, that the representations have been filed by these petitioners before the Collector, Rohtas indicating their grievance and also praying not to interfere with their peaceful possession, for the present and in the nature of the dispute so raised, which, *prima facie*, appears private in nature, we deem it proper to direct the Collector, Rohtas to consider the grievance of



the petitioners and dispose of the same in accordance with law. In case, the district authorities have been a party to the dispute in between the petitioners and the private respondents he would accordingly take steps for resolution thereof.

7. The writ petition is disposed of with the directions above.

8. It is expected that the Collector, Rohtas will dispose of the matter within a period of three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

