

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1660 of 2018

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Ajay Sharan, Son of Late Raghuveer Saran Choudhary, Resident of Village-
Isapur, P.O.- War, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its District Magistrate, Aurangabad.
2. The District Magistrate, Aurangabad.
3. The Superintendant of Police, Aurangabad.
4. The District Registrar, Aurangabad.
5. The C.O. Madanpur, P.O. and P.S.- Madanpur, Aurangabad.
6. Arvind Saran, Son of Late Raghuveer Saran Choudhary, Resident of Village-
Isapur, P.O.- War, P.S.- Madanpur, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sharma
		Mr. Bipin Bihari Singh
For the Respondent/s	:	Mrs. Nutan Sahay, AC to AAG12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 10-09-2018

Heard learned counsels for the parties.

The present writ application has been filed for a direction to the District Administration, particularly, Respondent Nos. 2 and 3, District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad to provide protection to the life and property of the petitioner, as the private Respondent No. 6 is transferring the lands in spite of the order dated 21.9.2016 of



status quo with regard to the land in question passed by learned Sub Judge I, Aurangabad in Partition Suit No. 459 of 2015.

It is submitted by learned counsel for the petitioner that the petitioner filed Partition Suit No. 459 of 2015 in the Court of the learned Sub Judge I, Aurangabad for a preliminary decree for partition of half share in the suit land detailed in Schedule I and II, wherein vide order dated 21.9.2016 status quo was granted. Subsequently, since the private respondent was transferring the land in question, the petitioner submitted a representation dated 24.10.2016 as contained in Annexure 3 series annexing therewith the order of status quo before the District Registrar, Aurangabad, but no action was taken. Thereafter, the petitioner submitted a representation on 2.11.2017 before the Respondent No. 2, District Magistrate, Aurangabad. The petitioner also filed Misc. Case No. 66 of 2017 before the learned Sub-Judge-I, Aurangabad ventilating his grievance with regard to the order of status quo. Still, no action has been taken on the representation of the petitioner.

A counter affidavit has been filed on behalf of Respondent No. 3, the Superintendent of Police, Aurangabad wherein statement has been made that no representation has been filed by the petitioner before Respondent No. 3.



Since the writ application was registered on 25.1.2018 and no counter affidavit has been filed on behalf of Respondent No. 2, this Court is not inclined to adjourn the matter any further for filing counter affidavit. Moreover, in view of the nature of order this Court is inclined to pass, there is no requirement of issuing notice to private Respondent No. 6.

Since the petitioner is aggrieved by the action of Respondent No. 6, who refuses to obey the order of status quo passed by the learned Sub Judge – I, Aurangabad, the remedy lies before the Court concerned itself. Moreover, it appears from the records, that Misc. Case has been filed before the learned Sub Judge – I, Aurangabad.

Hence, it is expected from the learned Sub Judge – I, Aurangabad to dispose of the said Misc. Case expeditiously in accordance with law. It is also imperative on the part of the learned Sub Judge – I, Aurangabad to see that the order of status quo dated 21.9.2016 is honoured. It is expected from the Respondent No. 2, the District Registrar-cum-District Magistrate, Aurangabad to dispose of the representation of the petitioner if not already disposed of in view of the order of status quo referred to above within a period of two weeks from the date of receipt/production of a copy of this order.



With the aforesaid observation/direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

