

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1596 of 2017

In

Civil Writ Jurisdiction Case No.18119 of 2016

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Chhotan Prasad Sharma Son of Late Baldeo Sharma Resident of village -
Sirdalla, P.S. Sirdalla, District Nawadha, at Present Resident at D/27 Motibag,
New Delhi 21, P.S. R.K. Puram, Sector - 12, New Delhi

... .. Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Nawada
3. The Superintendent of Police, Nawada
4. The Station House Officer, Sirdalla, District Nawada
5. Anil Prasad Yadav @ Anil Prasad Son of Late Devki Prasad Yadav, Resident
of village - Gulabnagar, P.S. Sirdalla, District - Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Kumar Anand, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

5 09-09-2019 Heard learned counsel for the appellant and learned
counsel for the State.

The matter relates to the land pertaining to C.S. Khata
No.92, C.S. Plot No. 1321, R.S. Plot No. 2973, R.S. Khata
No.112, situated in Muaza- Sirdalla, P.S. Sirdalla in the district
of Nawada.



The allegation has been made that the respondent No.5 has illegally evicted the petitioner from his legal possession, has placed reliance on the judgment and decree passed in title Suit No.225 of 1996/236 of 1999 and the same has been affirmed vide judgment dated 16.12.2015 in Title Appeal No. 34 of 2000/01 of 2014. In Execution Case No.1 of 2006 Special Case No.1 of 2003 possession was handed over by Nazir to the petitioner but after some time appellant has been dispossessed by the respondent No.5. He has filed an application before the Superintendent of Police for restoration of his possession and also proceeding under Section 107 of the Cr.P.C. was initiated but is of no avail as his possession over the plot has not been restored.

We direct the petitioner or his agent or his any family member to file application before the Superintendent of Police, Nawada, he will call both parties and examine the records of both sides including judgments and decree of the title Suit, if Superintendent of Police would be satisfied with the claim of appellant must ensure justice to the appellant in accordance with law. The entire process should be completed within two months.

Accordingly, the order of the learned Single Judge is



modified.

The Letters Patent Appeal is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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