

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4481 of 2018

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Madan Mohan Jha, Son of Late Radha Krishna Jha, resident of Village and Post Office-Hirni, Police Station-Kusheshwar Sthan, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga Division, Darbhanga.
4. The Collector-Cum-District Magistrate, Darbhanga.
5. The Additional Collector, Darbhanga.
6. The Senior Superintendent of Police, Darbhanga.
7. The Sub-Divisional Officer, Biraul, District- Darbhanga.
8. The Deputy Superintendent of Police, Biraul, District-Darbhangha.
9. The Deputy Collector, Land Reforms, Biraul, District-Darbhangha.
10. The Anchal Adhikari, Kusheshwar Sthan, District-Darbhangha.
11. The Officer-in-Charge, Kusheshwar Sthan Police Station, District-Darbhangha.
12. Ram Kumar Jha, Son of Late Bishnukant Jha.
13. Amrendra Jha, son of Ram Kumar Jha.
14. Santosh Jha.
15. Sanjay Jha.
Sons of Late Raj Kumar Jha.
16. Ranjit Jha.
17. Sanjit Jha.
Sons of Late Bhagwan Jha, respondent nos. 12 to 17 Resident of Village Post Office-Hirni, Police Station-Kusheshwar Sthan, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vasudeo Ram, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam- Aag12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 12-07-2019



Heard Ms. Anju Mishra, learned counsel for the petitioner and learned counsel for the State and having considered the submissions advanced and bearing note of the pleadings on record, we are satisfied to record that the private respondents herein are unnecessarily being chased by disgruntled elements even after a series of challenge on their possession over plot bearing Plot No. 1044 of Khata no. 317 in Mauja Hirni in the district of Darbhanga has been rejected.

For the present, we refer to a Single Judge's order passed on a Criminal Writ Jurisdiction Case No. 1114 of 2007 in consideration of the challenge to such possession which was rejected on 18.03.2019. This was followed by a decree in a title suit relating to the same plot bearing Title Suit No. 27 of 1999 initiated at the instance of one Upendra Paswan & ors. which suit was again dismissed by a judgment and decree dated 13.07.2009 at Annexure-6 of the counter affidavit filed by the private respondents and a further challenge before this Court for the same plot arising from CWJC No. 17335 of 2017 by one Hareram Chaudhary along with one Rudra Mohan Jha was again dismissed by a Co-ordinate Bench.

Though Ms. Mishra tries to distinguish the present writ petition in reference to the statement made in paragraph 12 of the



writ petition but in our opinion, the attempt is only taken for rejection because the two plots which are now being made a foundation for the challenge are carved out from survey plot no. 1044 itself in respect of which there is already a judgment and decree in favour of the private respondents and which continues to be in operation. We were in fact persuaded to impose cost on the petitioner for wasting precious time of this Court but restrain ourselves from ordering as such.

The writ petition is dismissed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-07-2019
Transmission Date	NA

