

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15052 of 2019

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1. Pintu Mishra, 29 years, Male, Son of Sri Ganesh Mishra, Permanently Resident of Village Dahibhat Dih, Tole Sohrai, P.S. Sakri, District Madhubani. Resident of RZ-B-16A, Arjun Park, Najafgarh Nangli Sakrawati, South-West Delhi, Delhi- 110043.
 2. Dharm Nath Jha, 49 years, Male, Son of late Rajendra Jha, Resident of Village Kaithaniya, P.S. Jhanjharpur R.S. District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, New Secretariat, Govt. of Bihar, Patna.
2. The Principal Secretary, Deptt. of Home, New Secretariat, Govt. of Bihar, Patna.
3. The Collector of the District Madhubani.
4. The Additional Collector, Madhubani.
5. The Superintendent of Police(S.P.), Madhubani.
6. The Sub-Divisional Officer, Sadar, Madhubani.
7. The Circle Officer, Pandaul, Madhubani.
8. The Thana -Incharge, Pandaul Thana, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. T.N. Maitin, Senior Advocate
		Mr. Shashi Nath Jha, Advocate
For the State	:	Mr. P.K. Verma, AAG3

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 26-11-2019 Heard Mr. T.N. Maitin, the learned Senior Counsel for

the petitioners and the learned counsel appearing on behalf of

the State.

The petitioner has filed this writ petition for the
following reliefs:

(i) Directing the respondent-authorities to protect the
interest and peaceful possession of the petitioners over the lands



in question.

(ii) Directing the respondents authorities especially the local administration to protect the right, title and interest of the petitioners over the lands in question by following the judicial pronouncements already made in favour of the petitioners.

(iii) Holding and declaring that the learned authorities are bound to protect the legal as well as constitutional right of the petitioners from the anti-social elements.

Learned Senior Counsel for the petitioners submits that the petitioners are entitled to get protection at the hands of the local administration to protect his property from the hands of anti-social elements. The State of Bihar has already lost Title Suit No.43 of 2001 and the State of Bihar filed appeal but the same was dismissed due to non-payment of the court fees. The petitioners are purchasers from decree holder. The petitioners filed representation before the District Magistrate, Madhubani and the Superintendent of Police, Madhubani but the District Magistrate and the Superintendent of Police, Madhubani did not pay heed to the petition of the petitioners. It is further submitted that this writ petition may be disposed of with a direction to the District Magistrate, Madhubani and the Superintendent of



Police, Madhubani to dispose of the representation of the petitioners in view of the law laid down by this Court in the case of Smt. Raj Kumari Devi vs. State of Bihar & Ors., reported in 2010 (1) PLJR 154.

Having considered the submissions of the learned counsel for the petitioners, I dispose of this writ petition with a direction to the Collector and the Superintendent of Police, Madhubani to promptly act on the representation of the petitioners in accordance with law and pass necessary order within two months from the date of receipt of this order.

With the aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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