

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14856 of 2019

1. Sharda Nath Jha Son of Late Lakshmi Raman Jha Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.
2. Gina Devi Wife of Sri Manoj Jha Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.
3. Dinesh Mahtha Son of Late Biltu Mahtha Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue Land Reforms.
2. The Principal Secretary, Revenue, Land Reforms, Govt. of Bihar, New Secretariat, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate-cum-Collector, Madhubani.
5. The Superintendent of Police, Madhubani.
6. The Sub-Divisional Officer, Benipatti, Madhubani.
7. The Sub-Divisional Police Officer, Benipatti, Madhubani.
8. The Circle Officer, Benipatti, Madhubani.
9. The Officer-in-Charge, Benipatti, Madhubani.
10. Prabhu Sadai Son of Sri Latki Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
11. Lalit Sadai Son of Sri Latki Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
12. Gainaur Sada Son of Late Mahanth Sada Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
13. Dhaneshwar Sadai Son of Late Mahanth Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
14. Binde Sadai Son of Mahanth Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
15. Bimla Devi Wife of Gainaur Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
16. Ramu Sadai Son of Raghu Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
17. Sobhit Sadai Son of Raghu Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
18. Mahendra Sadai Son of Raghu Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
19. Bhokhran Sadai Son of Saukhi Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
20. Radheshyam Sadai Son of Late Janak Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.



21. Raj Ram Sadai Son of Late Budhu Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
22. Lal Babu Sadai Son of Saukhi Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
23. Amiri Devi Wife of Saukhi Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
24. Lalita Devi Wife of Kari Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.
25. Siya Devi Wife of Mahanth Sadai Resident of Benipatti, Tole Dihulisher, Police Station- Benipatti, District- Madhubani.

... ... Respondent/s

Appearance :

For the Petitioners : Mr. Shailendra Kumar Jha, Advocate
For the Respondent State: Mr. Mukul Prasad, AC to G.P.-18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 This writ application has been filed seeking direction to the official respondents to remove the trespassers from the land, which belongs to the petitioners. The said trespassers have been impleaded as respondents No. 10 to 25, who, according to the petitioners, have unauthorizedly constructed thatched houses one after another over a piece of land, which belongs to them. The said constructions are said to have started since 13.03.2018.

It is stated in the writ application that the petitioners have filed a First Information Report, being Benipatti P.S. Case No. 41 of 2018, which also is not being brought to its logical conclusion by the police.

According to the petitioners, there was a title suit filed in 1992 by Sadashiv Jha and Others vs. Saukhi Sadai and



Others, which was disposed of on the basis of compromise. The petitioners have also submitted that co-sharers of petitioner No.1 have dealt with some portion of the land, which goes to establish their title over the land in question.

I have carefully perused the writ application and the documents annexed thereto. It appears to be an admitted fact that the opposite parties are in possession over the disputed land. In my opinion, the claim of the petitioners is based on their title and possession over the land in question, which need not be gone into a proceeding under Article 226 of the Constitution of India.

This application is accordingly dismissed.

The petitioners shall be at liberty to take recourse to appropriate provisions of law for redressal of their grievances and adjudication of the dispute in question.

(Chakradhari Sharan Singh, J)

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