

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.837 of 2018

=====

The Principal, Anugrah Narayan Memorial College, Nabinagar, P.O + P.S.
Nabinagar, District- Aurangabad

... .. Appellant/s

Versus

1. Baijnath Singh, son of Ram Janam Singh,
2. Dharlakha Singh, Son of Ram Bilash Singh,
3. Surendra Kumar Singh, Son of Kaileshwar Singh,
4. Chitranjan Singh, S/o Late Satendra Singh,
5. Sanjay Singh, Son of Late Basudeo Singh,
6. Sidhi Singh, Son of Munshi Singh,
7. Sumeshwar Sing, Son of Narayan Singh,
8. Lallan Singh, Son of Nadeo Singh,
9. Sitar Kunwar, W/o Late Ramu Singh,
10. Baiju Bhagat, Son of Late Somaru Bhagat,
11. Mangru Bhagat, S/o Late Chintaman Bhagat,
12. Naresh Singh, S/o Late Biran Singh,
13. Lallan Singh, S/o Sri Suresh Singh,
All residents of Village- Gurdi, P.O./P.S.- Nabinagar, District- Aurangabad.
Plaintiff/ Respondents 1st Set
14. State of Bihar through District Collector Aurangabad.
15. The Block Development Officer, Nabinagar.
16. The Vice Chancellor, Magadh University, Bodhgaya District- Gaya.

Defendant - Respondent 2nd Set

=====

Appearance :

For the Appellant/s	:	Mr. Madan Prasad Singh No-2, Advocate
For the Respondent/s	:	Mr. Binod Kumar Singh, Ms. Vagisha Pragya Vacaknavi Mr. Manu Tripurari, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 09-05-2019

Heard.

This miscellaneous appeal has been filed for setting
aside the order dated 19.6.2018 passed in Title Suit No. 352 of



2016 passed by Sub-Judge-I, Aurangabad to maintain status quo on the suit land during pendency of injunction petition.

Plaintiff – respondent- 1st set had filed title suit no.352 of 2016 in the court of Sub-Judge-I, Aurangabad to declare deed of gift dated 5.9.1970 executed by ancestors of plaintiff as forged and fabricated document and defendants did not acquire right, title and possession over the suit land on basis of said gift deed.

An injunction petition was filed on behalf of plaintiff for grant of an order of ad interim injunction in favour of plaintiff as defendants are trying to dispossess the plaintiffs from the suit land upon which order of status quo was passed by the trial court.

Defendants appeared and filed their written statement and pleaded that after gift to the State of Bihar by the ancestors of plaintiff, a college was constructed which is already running and some of the members of the donors' family got job in the college and some of them have retired also as such, plaintiffs had full knowledge of the deed of gift made by ancestors of plaintiffs in the year 1970 in favour of college as such, there was no occasion to grant order of status quo as the title suit itself was not maintainable and barred by limitation. The land is in



possession of appellant / defendant no.1 who is the principal of Anugarah Narayan Memorial College, Nabinagar.

College has been taken over by the Magadh University in the year 1980 and Education Department, Government of Bihar had sanctioned rupees 74 lacs for construction of boundary wall of the college along with other colleges and when construction of boundary wall and toilets were being made, plaintiffs obstructed and, thereafter, administration deputed police force and Magistrate so that construction work could be continued smoothly and without any hindrance.

This Court on 11.03.2019 had stayed the impugned order dated 19.6.2018 passed in title suit no.352 of 2016 and issued notices to respondents, pursuant to which, respondent no.4 has appeared.

After hearing the parties and perusing the order as impugned, this Court finds that there was no occasion for the trial court to grant order of status quo during pendency of injunction petition in a title suit in which gift deed dated 5.9.1970 executed by ancestors of plaintiffs are under challenge to be declared as void and inoperative when admittedly pursuant to said gift deed, college had been established in the



year 1970 itself and became a constituent college of Magadh University in 1980 as such, the order dated 19.6.2018 passed in title suit 352 of 2016 is set aside and trial court is directed to dispose of the injunction petition filed by plaintiffs within three months from the date of receipt/production of a copy of order passed by this Court.

This disposes of this miscellaneous appeal.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.06.2019
Transmission Date	NA

