

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 24112 of 2019

1. Sunil Kumar Sharma, aged about 52 years (Male) Son of Dinesh Pd. Sharma. Resident of Village- Saidpur, P.S. Ujiarpur, District-Samastipur.
2. Dinesh Prasad Sharma, aged about 73 years (Male) Son of Late Fakir Chandra Sharam, Resident of Village-Saidpur, P.S. Ujiarpur, District-Samstipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner, Darbhanga.
3. L.R.D.C. Samastipur.
4. Collector, Samastipur.
5. Circle Officer, Sarairanjan, District-Samastipur.
6. Sub-Divisional Magistrate, Samastipur.
7. Gango Choudhary Son of Late Phudan Choudhary. Resident of Village-Bishambharpur-Alloth, P.S. Musarigharari, District-Samastipur.
8. Kishori Choudhary, Son of Late Phudan Choudhary Resident of Village-Bishambharpur-Alloth, P.S. Musarigharari, District-Samastipur.
9. Triveni Choudhary Son of Late Phudan Choudhary Resident of Village-Bishambharpur-Alloth, P.S. Musarigharari, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Tiwari and Mr. Nazir Ansari, Advocates
For the State	:	Mr. Rakesh Kumar Shrivastava, AC to GP 15

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-12-2019

Heard learned counsel for the petitioners and learned
AC to GP 15 for the State.

2. The petitioners have moved the Court for the
following reliefs:



“That the instant writ petition is being filed in this Hon’ble Court against the order dated 06.09.2016 passed by learned Commissioner, Darbhanga, whereby learned Commissioner rejected the Appeal No. 414/13 vide his order dated 6.9.16 filed by the petitioners and confirm the order dated 24.4.13 passed by learned L.R.D.C. Samastipur, in Land Dispute Case No. 85/2012 only on ground that question of title are involved in this case and dispute is related to raiyati land and beyond the jurisdiction of this Court and there is no any interference in the order of learned L.R.D.C. Samastipur.”

3. The petitioners seek intervention of the administration with regard to their possession of the lands they claim to have bought under registered sale deed.

4. Learned counsel for the petitioners submitted that the respondents no. 7 to 9 were illegally trying to construct a hut on their lands for which they had approached the authorities but no relief has been granted to them.

5. Learned counsel for the State submitted that once the authorities have found that private persons are on the lands in question and trying to construct a structure, it is clear, even after accepting that the lands belonged to the petitioners, that possession is of 3rd party, may be in the form of trespasser, then also, it is a dispute between private individuals and the administration cannot intervene and evict them, which can only be



done through the due process of law by way of an eviction suit before the competent Civil Court.

6. The Court finds substance in the contention of learned counsel for the State.

7. Accordingly, the application stands disposed off with liberty to the petitioners to move before the Civil Court of competent jurisdiction for restoration of their possession. It shall always be open to them to pray for interim injunction to restrain the so called encroaches/trespassers on the lands, from constructing any structure on the land on which they claim title.

(Ahsanuddin Amanullah, J.)

P. Kumar

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