

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23136 of 2019

Neel Kamal Rakesh, S/o Late Umesh Prasad Sharma, Resident of Naya Mahavir Tola, Jalalpur, R.P.S. Mansarovar Colony, Ram Jaypal Nagar, Anchal- Danapur, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Superintendent of Police, Patna.
3. The Sub Divisional Officer, Danapur, Patna.
4. The Deputy Superintendent of Police, Danapur, Patna.
5. The Circle officer, Danapur, Patna.
6. The Officer in-Charge, Rupaspur Police Station, District- Patna.
7. Sima Devi, W/o Late Suresh Singh, R/o Mohalla- Gari Khana, P.S.- Khagaul, District- Patna.
8. Nitu Singh, W/o Sri Jogendra Kumar, resident of Village- Nadpura, P.S.- Poonpun, District- Patna.
9. Dharambir Singh, S/o Late Suresh Singh, R/o Mohalla- Garikhana Khagaul, P.S. Khagaul, District- Patna.
10. Madhu Kumari, D/o Late Suresh Singh and W/o Sri Ranvir Kumar Singh, R/o Village- I.O.C. Colony, Kumhrar, P.S.- Kumhrar, District- Patna.
11. Pinki Kumari, D/o Late Suresh Singh, resident of Mohalla- Gari Khana, P.S.- Khagaul, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abdul Haque Ansari
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-12-2019 Heard both sides.

The petitioner filed this writ petition for a direction to the respondents to deliver the possession of the land in question to the petitioner as the petitioner purchased the land through the deed of sale dated 15.05.1999.

Learned counsel for the petitioner submits that father



of the petitioner purchased a piece of land measuring 12 dhurs of Khesra No.118, 670 of Khata No.167 situated in Mauza Jalalpur, P.S. Danapur through a registered sale deed dated 15.05.1999 and the name of the father of the petitioner was mutated. Petitioner was paying rent but the respondent Nos.7 to 11 filed Title Redemption Suit No.35 of 2000. The suit was decreed. The father of the petitioner was not a party to the suit. The defendant of the suit filed First Appeal No.75 of 2005 and the same was dismissed. Second Appeal No.669 of 2010 was also dismissed on 21.11.2013. Respondents filed Execution Case No.13 of 2005 and in pursuance of that, the house of the petitioner is said to have been demolished.

It appears from the facts that there is a civil litigation between the mortgagor and the mortgagee. The private respondents filed Title Redemption Suit for redemption of mortgage and the same was decreed. The judgment and decree passed in Title Redemption Suit No.35 of 2000 has been confirmed upto High Court in Second Appeal No.669 of 2010. The petitioner is purchaser and, therefore, it appears that dispute is of civil nature between the petitioner and the respondent Nos.7 to 11. In this view of the fact, in writ jurisdiction, the delivery of possession cannot be ordered to be given to the



petitioner.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

