

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5384 of 2020

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Sri Niwas Prasad Son of Late Babuchand Mahto, Resident of
Village/Mohalla- Dhurgaon, P.S. Ekangar Sarai, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. Principal Secretary, Revenue and Land Reforms Department Govt. of Bihar, Patna.
3. District Magistrate, Nalanda at Bihar Sharif.
4. Additional Collector, Nalanda at Bihar Sharif.
5. Deputy Collector Land Reforms, Hilsa, Nalanda.
6. Circle Officer, Ekangar Sarai Block, District- Nalanda.
7. Superintendent of Police Nalanda at Bihar Sharif.
8. Subdivisional Police Officer, Hilsa, Nalanda.
9. Station House Officer, Ekangar Sarai Police Station, District- Nalanda.
10. Smt. Sharda Devi, Wife of Nageshwar Paswan, Resident of Village - Berthu, P.S.- Chak Makhdumpur, District- Jehanabad, At Present Village - Dhurgaon, P.S. Ekangar Sarai, District- Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Sr. Advocate Mr. Pramod Kumar, Advocate Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha (SC-19)
For Resp. No.10	:	Mr. Chandra Mauleshwar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-10-2022 Heard the parties.

It is an admitted position that the land in question was transferred to the petitioner through process of the Court after execution of the sale deed and thereafter the petitioner is being disturbed by respondent no.10 or her agents.



Learned counsel for the respondent no.10 submits that respondent no.10 is an illiterate lady and was in possession of the land in question on the basis of the sale deed executed in the year 2012.

When the sale deed has been executed in favour of the petitioner by the State Government and the State has given the possession, there is no question of having possession over the land in question by the respondent no.10. The respondent no.10 has failed to convey this Court as to how and when she came in possession again after the possession was handed over to the petitioner by the State Government. When the dispute has attained finality the respondent no.10 cannot be allowed to disturb the possession of the petitioner.

The respondent no.10 is directed not to disturb and interfere with the peaceful possession of the petitioner over an area of 13 decimal of land under Chak No.662/646, Khata No.456 situated in village-Dhurgaon, P.S.-Ekangar Sarai, District- Nalanda.

The local police will see to it that respondent no.10 or her agents do not disturb the possession of the petitioner in near future. If they do so, they will be liable for violation of the order of this Court.



With the aforesaid observations and directions, this writ petition is allowed.

(Sandeep Kumar, J)

Guddu/ Pawan-

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