

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7205 of 2022

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1. Saroj Ranjan Sinha @ Saroj Ranjan Singh Son of Late Alakh Narayan Singh Resident of Village-Kharari, P.O.-Kharari, P.S.-Nokha, District-Rohtas, Bihar.
 2. Rohit Pratap Singh Son of Late Rajiv Ranjan Prasad Singh Resident of Village-Kharari, P.O.-Kharari, P.S.-Nokha, District-Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Additional Chief Secretary Department of Revenue and Land Reform, Government of Bihar, Patna.
3. The District Magistrate Cum Collector, Rohtas, Bihar.
4. The Sub Divisional officer, Sasaram, Rohtas.
5. The Circle Officer, Block-Nokha, District-Rohtas.
6. The Officer Incharge, Police Station-Nokha, District-Rohtas.
7. Nanhe Pratap Singh Son of Ganesh Singh, Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.
8. Bipin Bihari Singh son of Ramadhar Singh, Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.:
9. Sachchida Nand Singh, son of Nawal Kishore Singh, Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.
10. Krishna Kant son of Manik Chand Sah, Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7132 of 2022

Bhawesh Kumar Singh @ Bhawesh Kumar Son of Late Kamlakant Singh, Resident of Village-Kharari, P.O.-Kharari, P.s. Nokha, District-Rohtas, Bihar, Present Address-House No. L1/2 Sri Krishna Puri, Buddha Colony, Patna, P.S.-S.K. Puri, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Rohtas, Bihar.
4. The Sub Divisional Officer, Sasaram, Rohtas.
5. The Circle Officer, Block-Nokha, District-Rohtas.



6. The Officer Incharge, Police Station-Nokha, District-Rohtas.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7205 of 2022)

For the Petitioners : Mr. P.N. Shahi, Sr. Advocate
Mr. Vivek Kumar Singh, Advocate
For the Respondents : Mr. Rishi Raj Sinha (SC19)
Mr. Saurabh Kumar, AC to SC 19
For Private Respondent : Mr. Jitendra Prasad Singh, Advocate

(In Civil Writ Jurisdiction Case No. 7132 of 2022)

For the Petitioners : Mr. P.N. Shahi, Sr. Advocate
Mr. Ajay Kumar Singh, Advocate
For the Respondents : Mr. Md. Khurshid Alam (AAG12)
Mr. Ekbatur Rahman Shakeb, AC to AAG 12
For Private Respondent : Mr. Jitendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-09-2022 Heard the parties.

Learned counsel for the petitioners has argued both these cases at length.

Mr. Jitendra Prasaad Singh, learned counsel for the respondent nos. 7 to 10, has vehemently opposed the prayer of the petitioners and submitted that a title suit is pending and both the cases may be decided after the disposal of the title suit.

This Court, in view of the judgment of the Special Bench in the case of *Prabhawati Devi Vs. The State of Bihar* reported in 2019 (3) PLJR 530, has held that title suit is barred under Section 37 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

The State has also filed its counter counter and has been heard.



The Circle Officer, Block-Nokha, District -Rohtas has already passed the order dated 02.02.2021 as contained in Annexure- 5 and he has directed for measurement.

The private respondent and the State submit that measurement is not possible at the moment because of water-logging in the field.

Considering the submissions of both the parties including the judgment of the Division Bench of this Court in the case of LPA No.01 of 2002 and LPA No.02 of 2002 disposed of on 23rd July, 2002 and subsequent decision dated 04.08.2007 by the Sub-Judge-III, Rohtas at Sasaram in Land Acquisition Case No.54 of 2002 as contained in Annexure-8 series, both these applications are disposed of by directing the Circle Officer, Block-Nokha, District -Rohtas to conclude the demarcation as per his own order and direction within four months from the date of receipt/production of a copy of this order in presence of all the parties.

With the aforesaid observation and direction, both these applications are disposed of .

(Sandeep Kumar, J)

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