

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.348 of 2022

1. Rameshwar Prasad Yadav @ Rameshwar Yadav Son of Late Baban Yadav, Resident of Village - Bariarwa Pipra, Police Station (Semra) Chiutaha, District - West Champaran.
2. Chandra Mohan Yadav @ Chandramohan Prasad, Son of Late Baban Yadav, Resident of Village - Bariarwa Pipra, Police Station (Semra) Chiutaha, District - West Champaran.
3. Sunil Kumar Yadav @ Sunil Yadav, Son of Late Rajdeo Prasad Yadav, Resident of Village - Bariarwa Pipra, Police Station (Semra) Chiutaha, District - West Champaran.
4. Dhananjay Kumar @ Dhananjay Yadav, Son of Late Rajdeo Prasad Yadav, Resident of Village - Bariarwa Pipra, Police Station (Semra) Chiutaha, District - West Champaran.
5. Arvind Yadav, Son of Late Rajdeo Prasad Yadav, Resident of Village - Bariarwa Pipra, Police Station (Semra) Chiutaha, District - West Champaran.

... .. Petitioner/s

Versus

1. Chhotelal Yadav, Son of Chandrika Choudhary, Resident of Village Kotwa, Police Station Semra (Chiutaha), District - West Champaran.
2. Indu Devi, Daughter of Radha Kishun Choudhary, Wife of Mati Lal Mahto, Resident of Village Kotwa, Police Station - Bagaha, District - West Champaran.
3. Harendra Yadav, Son of Late Bishundeo Yaddav, Resident of Village - Bariarwa Pipra, Police Station - (Semra), Chiutaha, District - West Champaran.
4. Naresh Yadav, Son of Late Bishundeo Yadav, Resident of Village - Bariarwa Pipra, Police Station - (Semra), Chiutaha, District - West Champaran.
5. Jitendra Yadav, Son of Late Bishundeo Yaddav, Resident of Village - Bariarwa Pipra, Police Station - (Semra), Chiutaha, District - West Champaran.
6. Subhash Yadav, Son of Late Bishundeo Yaddav, Resident of Village - Bariarwa Pipra, Police Station - (Semra), Chiutaha, District - West Champaran.
7. Mankesh Yadav, Son of Late Bishundeo Yaddav, Resident of Village - Bariarwa Pipra, Police Station - (Semra), Chiutaha, District - West Champaran.
8. Murli Manohar Singh, Son of Late Kapildeo Narayan Singh, Resident of Bara Chakia, Police Station Chakia, District East Champaran at present residing at Narkatiaganj, Manohar Auto Services, Purani Bazar, Police Station Narkatiaganj, District - West Champaran.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Prerna Anand, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 30-06-2022 Heard learned counsel for the respective parties.

In the instant petition petitioner has intended for following reliefs:-

“(i). On adjudication of the above facts and circumstances, the Court be pleased to hold and declare that the plaintiffs are legal, statutory and occupancy raiyat in possession over the suit land duly declared by common order dated 19.11.1994, passed by the Anchal Adhikari Bagha 2 under Section 48 D of the B T Act in “Balie” Case No. 17 of 1994 – 95 and that order went untouched and unchallenged, still even today and it is legally and wholly binding upon the defendant 1st party and his alleged purchaser, if any.

(ii). The Court be further pleased to restrain the defendants, more particularly and defendants 1st party from interfering or dispossessing the peaceful possession of plaintiffs over the suit land and to that effect a decree of permanent injunction be also passed in favour of plaintiffs against defendants.

(iii). Decree for the cost of the suit be also passed in favour of plaintiff against defendants.

Prima facie, the petitioner has not made out a case so as to interfere with the order dated 25.04.2022 passed in Title Suit No. 177 of 2021 on the file of Sub Judge 1st, Bagaha.



Perusal of the records, it is evident that suit is of the year 2021 and application was filed before framing of issues for amendment of suit/plaint. Therefore, there is no infirmity in the impugned order dated 25.04.2022 passed on an application in Title Suit No. 177 of 2021 on the file of Sub Judge 1st, Bagaha.

Accordingly, the present petition stands dismissed reserving liberty to the petitioner to file additional written statement/written statement on the amended plaint within a reasonable period of time.

(P. B. Bajanthri, J)

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