

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.401 of 2022

In

Civil Writ Jurisdiction Case No.5519 of 2022

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1. Ram Sumiran Singh, Son of Late Ram Chandra Prasd Singh, Resident of Village-Bihat Tola Ibrahimpur, Police Station-Barauni, District Begusarai. At present at Kurji More, Police Station-Patliputra, District-Patna.
 2. Ram Bhushan Singh, Son of Late Ram Chandra Pd. Singh, Resident of Village-Bihat Tola Ibrahimpur, Police Station-Barauni, District-Begusarai.
 3. Ram Krishna Singh, Son of Late Ram Chandra Pd. Singh, Resident of Village-Bihat Tola Ibrahimpur, Police Station-Barauni, District-Begusarai.

... ... Appellant/s

Versus

1. The State of Bihar.
2. The Sub-Divisional Officer at Barh, Patna.
3. The Sub-Divisional Police Officer Barh, Patna.
4. The Anchal Adhikari, Ghoswari, District-Patna.
5. The Station Head Officer, Police Station-Ghoswari, District Patna.
6. Manish Kumar, Son of Bharat Bhushan Singh, Resident of Village-Chintaman Chak, Police Station-Mokama, District-Patna.
7. Bharat Bhushan Singh, Son of Late Bindeshwari Prasad Singh, Resident of Village-Chintaman Chak, Police Station-Mokama, District-Patna.
8. Kamal Kishore Singh, Son of Late Bindeshwari Prasad Singh, Resident of Village-Chintaman Chak, Police Station-Mokama, District-Patna.
9. Sudarshan Singh @ Ladua, Son of Late Sohan Singh, Village-Chintaman Chak, Police Station-Mokama, District-Patna.
10. Jitendra Singh @ Perba, Son of Late Sohan Pd. Singh, Village-Chintaman Chak, Police Station-Mokama, District-Patna.

... ... Respondent/s

Appearance :



For the Appellant/s : Mr. S.S. Dwivedi, Sr. Adv.
Mr. Parth Gaurav, Adv.
Mr. Ram Sumiran Singh (in-person)
For the Respondent Nos. 6 - 7 : Mr. Vikash Kumar Sharma, Adv.
Ms. Madhuri Kumari, Adv.
Mr. Ram Murti, Adv.
For the State : Mr. Asif Kalim, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-12-2022

Heard Mr. S.S. Dwivedi, the learned Senior Advocate for the appellants and Mr. Vikash Kumar Sharma, the learned Advocate for the private respondent Nos. 6 to 10. The State is represented by Mr. Asif Kalim.

2. Mr. Ram Sumiran Singh, who is one of the appellants, is also present in person.

3. The appellants had approached the learned Single Judge for quashing of an order/direction dated 24.03.2022 in connection with Land Dispute Resolution Case No. 02/2021-



2022 (*Manish Kumar Vs. Ram Lochan Singh*), advising the parties not to create any disturbance over the land which was delivered to the respondents and that any objection of the appellants could be registered before a competent authority.

4. Mr. S.S. Dwivedi, the learned Senior Advocate, however, submits that the learned Single Judge did not at all take into account that under Land Dispute Resolution mechanism, the S.D.P.O. is no authority to declare the right or title of a particular party.

5. Be it noted that the learned Single Judge, on finding that the appellants had lost their case in the mortgage suit till the Supreme Court and the delivery of possession of the land in question had already been given to the respondents, did not accede to the request of the appellants, but directed the Sub-ordinate Judge-III,



Barh, Patna to conclude and decide the issue of *mesne* profits within six months from the date of passing of that order. It was also cautioned that the proceeding before the Executing Court be not delayed by the judgment-debtor on any ground whatsoever.

6. The dismissal of the writ petition of the petitioners, who are appellants herein, does not at all mean that the S.D.P.O. had passed any order with respect to the right and title of the petitioners/appellants. The order was only in the nature of an advisory, which was applicable to the other party as well, namely, the respondents herein, that the execution proceedings be concluded at the earliest and there should not be any disturbance over the plot of land which stands in possession of the respondents.

7. Even if the statement of the appellants has been found by the S.D.P.O. to be



without substance, that shall never be read against him with respect to any issue of title or possession.

8. The learned counsel for the respondents, in affirmation of the afore-noted observation of this Court, has submitted that the State has also filed its counter affidavit stating that under the directions of the Government to ensure law and order on plots of land which are in litigation, such an effort was made by the Circle Officer, the S.D.M. and the Sub-Divisional Police Officer, which ought not to be read as any interference in the legal rights of any one of the parties.

9. The direction by the learned Single Judge to the Executing Court to expedite the proceedings and cautioning the judgment debtor, namely, the appellants, not to disturb the proceedings, cannot be interfered with as it is in the general interest of the litigants that issues



before all Courts be decided without any delay.

10. There is nothing in the order passed by the learned Single Judge, which ought to offend the appellants.

11. The appeal is, accordingly, dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Praveen-
II/Anuradha

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09/12/2022
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