

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1971 of 2023

Ranvijay Singh Son of Late Ganga Dayal Singh Resident of Village-Khabhaini, P.S.-Rampur Chauram, District-Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Land and Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Arwal
3. The Superintendent of Police, Arwal.
4. The Deputy Collector Land Reforms, Arwal
5. The Circle Officer, Arwal.
6. The Incharge of Rampur Chauram Police Station Rampur Chauram, Arwal.
7. Jayprakash Narayan Singh Son of Late Bhuneshwar Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
8. Satyendra Narayan Sinha Son of Late Babu Lal Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
9. Madheshwar Singh Son of Late Babu Lal Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
10. Upendra Narayan Patel Son of Late Babu Lal Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
11. Umesh Chandra Sinha Son of Late Babu Lal Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
12. Malti Devi Lalit Devi Wife of Late Jitendra Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
13. Rahul Sinha Son of Late Jitendra Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
14. Ankit Sinha @ Sahul Son of Late Jitendra Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
15. Birendra Sinha Son of Deolal Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
16. Satish Sinha Son of Deolal Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
17. Arun Kumar Sinha Son of Late Deo Narayan Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
18. Ajay Kumar Sinha Son of Late Deo Narayan Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal
19. Anil Kumar Sinha Son of Late Deo Narayan Sinha Resident of Village-Khabhaini, P.S Rampur Chauram, District-Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. P. N. Sahi, Sr. Adv.
Mr. Gajendra Kumar, Adv.
For the Respondent/s : Mr. Raj Kishore Roy, (GP-18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-07-2023 Learned counsel for the petitioner, learned counsel for the State and learned counsel for the private respondent no. 16 are present.

2. The present writ application has been filed for directing the respondent nos. 5 and 6 to take suitable steps to protect the engrace and outgrace of the residential house of the petitioner which is situated at *Mouza- Khabhaini*, Revenue P.S. No. 99, *Khata* No. 127, Plot No. 1523, Area- 09 decimal out of total area of 51 decimal as private respondents are creating nuisance by putting paddy straw and by installing bamboo at the exit point and admittedly petitioner got the land in oral exchange in lieu of land appertaining to *Khata* No. 245, Plot No. 1472/3572, Area-09 decimals and private respondents constructed their residential house, 50 years back.

3. A further prayer has been made to direct the Munsif, Arwal to adjudicate the petition dated 21.01.2022 in Title Suit No. 110 of 2021.

4. Learned counsel for the State has filed the counter-affidavit and submits that the issues directly and substantially

involved in the present writ application is a subject matter of Title Suit No. 110 of 2021 for declaration of right title interest and possession as well as for the right to easement on the disputed property.

5. It has also been submitted that petition under Order XXVI Rule 9 and 10A of C.P.C. for appointment of a Pleader Commissioner for measurement of the disputed land was pending which was filed by the counsel for the respondent in which *status quo* order was directed till submission of the report.

6. Learned counsel for the private respondent no. 16 submits that the dispute relating to the said land is already pending before the title suit and the entire problem has been created from the petitioner, who is interested to grab the said land.

7. After hearing the arguments and going the contents of the pleadings, this Court is of the view that the dispute relating to the said plot is pending before the Court of competent jurisdiction, where appropriate petition is also pending for measurement and, therefore, in this background in the writ jurisdiction, this Court restrain himself to pass any order on merit or demerit. The parties are at liberty to raise their

grievances before the appropriate Civil Court at appropriate stage and hence, this writ application is disposed off.

8. It is expected that the Trial Court shall not make further delay in such type of matter and decide this case on priority basis.

(Dr. Anshuman, J.)

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