

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4109 of 2023

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1. Ajay Sharma, Son of Late Shyam Sundar Mistri @ Late Shyam Siunder Sharma, Resident of Hotel Welcome Gali, D.B. Road, Police Station-Saharsa Sadar, District-Saharsa.
 2. Pappu Sharma, Son of Late Shyam Sundar Mistri @ Late Shyam Siunder Sharma, Resident of Hotel Welcome Gali, D.B. Road, Police Station-Saharsa Sadar, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue Department, Government of Bihar Patna.
2. The Commissioner Koshi Range, Saharsa.
3. The District Magistrate Cum Collector, Saharsa.
4. The Additional Collector, Saharsa.
5. The District Sub Registrar, Saharsa.
6. The Sub Divisional Officer, Saharsa,
7. The Circle Officer, Kahra, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP 18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 02-08-2023

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for directing the respondents to release the land of the petitioners from the hold list due to which petitioners are not able to sell their land appertaining to Old Khata No.412, Old Plot No. 1023, New Khata No.571, New Plot No.1027, admeasuring an area 5 Katha 10 dhur siauted in Saharsa Town.



3. Learned counsel for the petitioners submits that this land was the subject matter of Title Suit No.26/2002 in which the State of Bihar and the Collector, Saharsa were party respondents. The title suit was dismissed on the ground of limitation vide judgment dated 21.09.2007. Thereafter, the father of the petitioners preferred Title Appeal No. 57/2007 which was decided in his favour. Therefore, the stoppage made by the State for not to sell is bad in law. Learned counsel for the petitioners further submits that upon getting the decree in appeal, the land was mutated in the name of the father of the petitioners and thereafter, rent receipt was also generated in his favour. It is further submitted that after the death of the father of the petitioners, the petitioners tried to sell his land to meet his financial need, but they came to know that the Registry office has put the land in question on hold 'not to sell'. Subsequently, the petitioners made representation to this effect before respondent No.3, namely, the District Magistrate, Saharsa-cum Collector, Saharsa, but no order has been passed on the representation of the petitioners as yet.

4. Learned counsel for the State submits that state authorities may be directed to take appropriate decisions on the representation of the petitioners.



5. In this background, the writ petition stands disposed of granting liberty to the petitioners to file additional/supplementary representation before respondent No.3, namely, the District Magistrate, Saharsa-cum Collector, Saharsa along with a copy of this order as also the documents showing their title and possession over the land in question within four weeks from today whereupon respondent No.3, namely, the District Magistrate, Saharsa-cum Collector, Saharsa is directed to take a decision in this regard by passing a reasoned and speaking order within eight weeks from today.

6. With the above observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2023
Transmission Date	NA

