

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4713 of 2023

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1. Bachandeo Kumar S/o Ram Shankar Kumar, Resident of Village-Gokhle Nagar, Bishnupur, P.S.-Balua, District-Begusarai.
 2. Rampravesh Kumar @ Rampravesh Kuer S/o Kantulal Kumar, Resident of Village-Gokhle Nagar, Bishnupur, P.S.-Balua, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Revenue and Land Reforms, Govt. of Bihar.
2. The Collector cum District Magistrate, Begusarai.
3. The Additional Collector, Begusarai.
4. The Deputy Collector Land Reforms Balua, District-Begusarai.
5. The Circle Officer, Balua, District-Begusarai.
6. Sri Vikash Kumar, S/o Late Kaushal Kumar Singh, resident of Vilalge-Sadanandpur, P.S.-Balua, District-Begusarai.
7. Mukesh Kumar, S/o Ram Shankar Kumar, Resident of Village-Gokhle Nagar, Bishnupur, P.S.-Balua, District-Begusarai.
8. Murari Kumar, S/o Ram Shankar Kumar, Resident of Village-Gokhle Nagar, Bishnupur, P.S.-Balua, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Adv.
	:	Mr. Kumar Gaurav, Adv.
For the State	:	Mr. Majid Mahboob Khan, Adv.
For the Pvt. Res.	:	Mr. Indu Bhushan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-09-2023

Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the private
respondents.

2. The present writ petition has been filed for
quashing of the notice dated 03.02.2023 issued by the Circle
Officer, Balua, Begusarai in respect of land situated in Khata
No.6, 7 & 12, Plot No.20, 17 & 18 amalgamated area 7 Katha,



by which petitioners alongwith others have been debarred/restrained from making any new work over the land as described in Title Suit No.449 of 2012 in the light of order passed in Misc. Appeal No.03 of 2020.

3. Vide order dated 19.04.2023, the notice under challenge was stayed by this Hon'ble Court and this Hon'ble Court has been pleased to issue notice to respondent no.6, 7 & 8 under both the processes.

4. Notice was served upon respondent no.6 who appeared and filed *Vakalatnama*. Respondent no.7 has received his own notice as well as notice of respondent no.8 which is kept on record, as such, the notices were treated as validly served upon all the respondents.

5. Learned counsel for the petitioners submits that his argument is still consistent that petitioners were not the party in Misc. Appeal No.03 of 2020 arising from Title Suit No.449 of 2012 as well as in C.W.J.C. No.9824 of 2022 and therefore, petitioners are not directly restrained from the said order.

6. Learned counsel for the private respondent submits that petitioners are the purchaser of the properties in the dispute and the said properties were the subject matter of the Title Suit No.449 of 2012. He further submits that from



Annexure No.1 & 2 of the writ petition, it transpires that the petitioners had purchased the property from one Smt. Asha Devi @ Kumari Asha with whom respondent no.6 has direct contest and said Smt. Asha Devi @ Kumari Asha is party in all the three cases i.e. Title Suit No.449 of 2012, Misc. Appeal No.03 of 2020 and C.W.J.C. No.9824 of 2022. He also submits that since the petitioners are the vendees of the party to the Title Suit No.449 of 2012, Misc. Appeal No.03 of 2020 and C.W.J.C. No.9824 of 2022, therefore, any order passed against the vendor of the petitioners shall also binding on the vendees (petitioners). According to him, the Circle Officer has not passed any order by his own, rather he has issued notice just assuring/communicating the order passed in Misc. Appeal No.03 of 2020. Therefore, in this view of the matter, the said notice is valid one and it has been unnecessarily challenged as well as petitioners have obtained order of stay by way of misrepresentation to this Hon'ble Court.

7. In response, learned counsel for the petitioners submits that even if it has been assumed that the orders are binding on petitioners, as their vendor was the party in all the cases. It is very much clear that as on date, the basis of the order i.e. C.W.J.C. No.9824 of 2022 is already dismissed as



withdrawn and as such the Misc. Appeal No.03 of 2020 has also no force and similarly Annexure-1 i.e. notice dated 03.02.2023 issued by the Circle Officer has also no force in law.

8. Learned counsel for the State categorically submits that the date of notice is very much relevant i.e. of 03.02.2023. He further submits that basis of the order is pendency of C.W.J.C. No.9824 of 2022 and said C.W.J.C. was dismissed in the month of May, 2023 therefore, the day on which the Circle Officer has issued the notice was valid but he admits that today at the time of hearing of the present writ, due to dismissal of C.W.J.C. No.9824 of 2022, the said notice under challenge has no force in the eyes of law.

9. In this view of the matter, this Court is of the view that the present writ petition has become infructuous since the notice dated 03.02.2023, under challenge, has no legal force and, therefore, the present writ petition stands disposed off directing the parties that they are free to take steps in future in accordance with law.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22/09/2023
Transmission Date	NA

