

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4926 of 2023

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Naresh Prasad Singh S/o Late Karu Singh, Resident of Village- Naya Tola
Barari, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reform Department, Government of Bihar, at Patna.
2. Divisional Commissioner, Bhagalpur Division, Bhagalpur.
3. Deputy Collector Land Reform, Sadar Bhagalpur, District Bhagalpur.
4. Anil Choudhary Son of Darogi Choudhary, Resident of Mohalla- Factory Road, Barari (Pasitola), P.S.- Barari, District- Bhagalpur.
5. Mahesh Yadav Son of Bagicha Yadav, Resident of Mohalla- Naya Tola, Barari, P.S.- Barari District- Bhagalpur.
6. Binod Yadav Son of Mahesh Yadav, Resident of Mohalla- Naya Tola, Barari, P.S.- Barari District- Bhagalpur.
7. Heeralal Yadav Son of Mahesh Yadav, Resident of Mohalla- Naya Tola, Barari, P.S.- Barari District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 19-09-2023

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

2. The present writ petition has been filed for quashing the judgment dated 17.06.2022 passed by learned Bihar Land Tribunal, Patna in BLT case No.4 of 2021 and the order dated 27.03.2019 passed by Divisional Commissioner, Bhagalpur in BLDR Appeal Case No.32 of 2018-19 and the order dated 25.11.2018 passed by Deputy Collector Land

Reform, Bhagalpur in BLDR Case No.17 of 2018-19.

3. Counsel for the petitioner fairly submits that petitioner is the purchaser of land which was subject matter of Title Suit No.09 of 2000 and the said Title Suit was decided in favour of his vendor. Thereafter, a Title Appeal bearing 208 of 2014 and it was dismissed in the Bihar State Housing Board was appellant, subsequently the second appeal was filed by the Bihar State Housing Board which is pending before this Hon'ble Court.

4. Counsel for the petitioner submits that the case of the petitioner has wrongly been appreciated by the Deputy Collector Land Reform and subsequently wrong appreciation continued at the appellate level, as well as, at the level of Bihar Land Tribunal. Counsel submits that he has very limited prayer that petitioner wants the protection of the property, which he purchased from of the decree holders.

5. Counsel for the State submits that since second appeal is pending then the protection of any interest, in the petitioner's purchased property, may be made in the second appeal itself.

6. Upon going through the argument and in the light of the submissions made by the counsel for the petitioner

that petitioner is a purchaser of property from decree holder of the Title Suit against whom Title Appeal was filed then dismissed and then second appeal was filed and petitioner's vendor is the respondent in the second appeal. This Court is not inclined to intervene in the order passed by the Bihar Land Tribunal but this writ petition is disposed of with liberty to the petitioner that for the purpose of protection of his property, which he purchased from the decree holder, he may file an application before second appeal pending before this Hon'ble Court if he is already a party respondent to the second appeal and if he is not added as a party respondent then liberty is also granted to him that he may file an application to add him as a party respondent in the appeal and then he may pray for relief of protection of his property.

8. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2023
Transmission Date	NA