

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6906 of 2023

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Shailendra Kumar Jha son of Sri Bindesar Jha @ Bindeshwar Ojha, r/o
Village-Chhatarpati, P.S.-Baruraj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Muzaffarpur.
2. The District Collector, Muzaffarpur, Dist-Muzaffarpur.
3. Sub Divisional Officer, Muzaffarpur West.
4. The Anchal Adhikari, Motipur Anchal, Dist-Muzaffarpur
5. The Officer in charge of Baruraj Police Station.
6. Shivendra Jha, son of Late Shivnath Jha, r/o Village-Chhatarpati, P.S.-
Baruraj, District-Muzaffarpur.
7. Narendra Jha, son of Late Shivnath Jha, r/o Village-Chhatarpati, P.S.-
Baruraj, District-Muzaffarpur.
8. Nagina Devi, W/o Late Ram Balak Jha, r/o Village-Chhatarpati, P.S.-
Baruraj, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for private
respondent No.6, who appeared suo motu.

2. The present writ petition has been filed by the
petitioner seeking direction to the District Magistrate,
Muzaffarpur, to appoint Magistrate for recovery of possession
of the land pertaining to Khata No.159, Plot No.1630 and



1631, area 11 decimal situated at village Chhatarpatti, P.S. Baruraj, District- Muzaffarpur.

3. Learned counsel for the private respondent submits that after measurement of the said land the private respondent had preferred appeal against the order of the measurement and in the said appeal the present petitioner has also appeared. The learned counsel also submits that against the said land the petitioner has also filed Title Suit No.1016 of 2022 which is pending before the competent Civil Court. Learned counsel for the private respondents submits that a direction may be made to the appellate forum to complete measurement in presence of two Amins.

4. Learned counsel for the State submits that for the grievance the petitioner has already taken appropriate legal steps but he wants recovery of possession for filing writ petition.

5. In the light of the submissions made by the parties, this writ petition is disposed off, directing the petitioner to avail the remedy to recovery of possession, before the pending proceedings between the parties i.e., in the pending title suit.

6. The appellate authority is hereby directed to



complete the measurement work in presence of two Amins
within sixty days from the date of production of this order by
any of the parties.

(Dr. Anshuman, J)

Mkr./-

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