

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12179 of 2015

- 1.1. Asha Devi W/o Late Sudhir Kunwar @ Sudhir Kumar Resident of Bhangaha Tula, P.S.- Barharakothi, District- Purnea.
- 1.2. Rajeev Kumar, S/o Late Sudhir Kunwar @ Sudhir Kumar Resident of Bhangaha Tula, P.S.- Barharakothi, District- Purnea.
- 1.3. Bipin Kuwar S/o Late Sudhir Kunwar @ Sudhir Kumar Resident of Bhangaha Tula, P.S.- Barharakothi, District- Purnea.
2. Hira Kuwer, Son of Late Rameshwar Kuwar resident of village- Bhangaha Tula, Police Station- Barhara Kothi, District- Purnea.

... .. Petitioners

Versus

1. The State of Bihar
2. The Collector, Purnea.
3. The Land Reforms Deputy Collector Dhamdaha, District Purnea.
4. The Circle Officer Barhara Kothi, District- Purnea.
5. Dilo Ram, son of Late Tanuk Ram, Resident of Village- Bhangaha tula, Police Station- Barharakothi, District- Purnea.
6. Surendra Ram, Son of Late Uttim Ram, Resident of Village- Bhangaha tula, Police Station- Barharakothi, District- Purnea.
7. Mani Ram, Son of Late Uttim Ram, Resident of Village- Bhangaha tula, Police Station- Barharakothi, District- Purnea.
8. Laddu Ram, Son of Late Gore Ram, Resident of Village- Bhangaha tula, Police Station- Barharakothi, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Singh, Advocate
For the Pvt. Resp.	:	Mr. Jitendra Kumar Giri, Advocate
For the State	:	Mr. Indeshwari Pd. Mandal, AC to GA-3

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioners, learned counsel for the private respondents and learned counsel for the State.

2. The present writ petition has been filed seeking direction to the respondent authorities that the petitioners are

rightful owner having valid right, title and possession over the land constructing residential houses since long under dispute and should not be interfered by the Executive Officer.

3. Learned counsel for the petitioners submits that the land in dispute under the present writ petition is Khata No. 368, Plot No. 1125, Area 0.24 decimal situated in Village-Bhangahatula, P.S.- B. Kothi, District- Purnea. Counsel further submits that the said land was recorded in the revisional survey records of right in the name of one Pulkit Narayan Singh and in the *Sikmi* record, the name of one Boni Mochi was recorded. Counsel further submits that the said Pulkit Narayan Singh has filed a title suit against the son and daughter of Boni Mochi vide Title Suit No. 07 of 1962 before 2nd Additional Munsif, Purnea. In the said suit, a compromise took place between the heirs and legal representatives of Boni Mochi. On the basis of compromise suit was decreed in terms of compromise in favour of original land holder Pulkit Narayan Singh. After death of Pulkit Narayan Singh, his son inherited the said land and transferred in favour of the petitioners vide sale deed dated 19.02.1983 and since then petitioners came in the right, title and possession of the said land, constructing residential houses and presently residing on the said plot with the family. Counsel

further submits that area of said plot was in total 0.39 decimal, out of which the petitioners have purchased 0.24 decimal and on the rest land, the private respondents are residing. Counsel further submits that the said land was never declared surplus land in the Ceiling proceeding filed against the landlord Pulkit Narayan Singh. Counsel further submits that he has received a notice from the court of Deputy Collector Land Reforms, Dhamdaha with regard to Case No. 147 of 2014-15 under the provision of Bihar Land Disputes Resolution Act. On notice, the petitioners obtained information and appeared before the Court of Deputy Collector Land Reforms filing all the reply and raised objection that a complex question of title is involved, therefore, matter may be withdrawn. It is not further stated that what happened in the said BLDR case.

4. Learned counsel for private respondents is also present but he is also not in a position to ascertain this Court what happened in the said BLDR case. The same position is with the counsel for the State also.

5. Since this matter is pending before this Court since 2015, therefore, this Court is not interested to keep pending this matter further and disposed off this writ petition directing the Deputy Collector Land Reforms, Dhamdaha to pass order

within two months from the date of production of this order, if case has not finally decided and if it has been finally decided then the aggrieved party either petitioners or private respondents shall be at liberty to avail remedy of appeal available under the statute.

(Dr. Anshuman, J.)

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