

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10541 of 2019

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Ram Dulari Devi Widow of Late Chandreshwar Singh Resident of village
Jhikti, Post office- Khairwa, Police Station- Kurahani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Department of Home,
Government of Bihar, Old Secretariat Building, Patna- 800015.
2. The Chief Secretary Government of Bihar, Patna.
3. The Divisional Commissioner Tirhut Division, Muzaffarpur.
4. The District Magistrate Muzaffarpur.
5. The Sub Divisional Officer West, Muzaffarpur.
6. The Deputy Collector Land Reforms, Muzaffarpur.
7. The Circle Officer Kurhahi, District- Muzaffarpur.
8. Rambhu Thakur Presently posted as Circle Officer, Kurahani, resident of
village and post office Turki, Police Station Turki, District- Muzaffarpur.
9. Superintendent of Police Muzaffarpur.
10. Officer- in- Charge Kurahani Police Station, Muzaffarpur.
11. Ramesh Kumar Singh S/o Late Ramrekha Singh Resident of Vill.- Jhikti,
P.O.- Jhikti, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma, Advocate
For the Respondent Nos.1 to 10	:	Mr. Md. N. H. Khan (SC-1)
		Ms. Babita Kumari, AC to SC-1
For Respondent No.11	:	Mr. Ranjan Kumar Dubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 17-04-2023 In the instant writ petition, petitioner has prayed for

the following relief(s):-

*“1. That this is an application praying for
issuance of a writ in the nature of Mandamus or
any other appropriate writ, order or direction
commanding the respondents not to*



disturb/dispossess the petitioner, widow of the Ex-Army personnel and her family members from the property appertaining to Khata No. 433 Survey Plot No. 692, area 0.70 decimals situated at vill-Jhikti, P.O.-Karma, District- P.S.-Kurhani, District-Muzaffarpur as under settlement in favour of the late husband of the petitioner, an Ex-Army Personnel, the Warrior of 2nd Indo Pak War, 1965 being facilitated under policy decision of the Government so restraining respondent no.11 who with tacit support of the local Administration went on/go on destroying/alienating the petitioner's property purporting to dispossess the petitioner and her family members from the said property following; under settlement inter alia, the following;

Reliefs:-

(i) The respondents be restrained from protruding the Petitioner and her family from the property under settlement in favour of her husband Ex-Army Personnel with allowing the family members of said Ex-Army Personnel to enjoy the property with all right, title. interest and possession over the same.

(ii) Concerned respondents particularly respondent no.11 be restrained from interfering or alienating the said property in possession of Petitioner's family from last 50 years so by the use of force.

(iii) The respondents be directed to protect the petitioner and her family members from dispossession as under the illegal and arbitrary manner without following the due procedure of;

(iv) The respondents be directed to grant all the consequential benefits to the Petitioner for which she is legally entitled to in the circumstances of the case. facts and

(v) Any other relief or reliefs be granted to the petitioner as she is legally entitled in the facts and circumstances of the case.”



02. There is a dispute relating to title of subject matter of property. The disputed issues cannot be adjudicated under Article 226 of the Constitution of India in a writ jurisdiction, in particularly, title of particular piece of property.

03. At this stage, it is necessary to taken note of Apex Court's decision in the case of *Shubhas Jain vs. Rajeshwari Shivam and Ors, (2021) SCC Online SC 562 (Para-26)* wherein the Apex Court has held that the disputed issues cannot be adjudicated under Article 226 of the Constitution of India in the writ jurisdiction. Therefore, the petitioner has not made out a *prima facie* case.

04. Accordingly, the writ petition stands dismissed, reserving liberty to the petitioner to invoke appropriate forum.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
Himanshu/-

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