

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4305 of 2018

In
Civil Writ Jurisdiction Case No.17467 of 2008

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Sidheshwar Prasad Singh S/o Late Shri Shyam Narayan Singh Vill.-
Adhamkhap, P.s.- Magadh University, Bodh Gaya, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mr. Abishek Kumar Singh the District Magistrate, Gaya
3. Mr. Rajeev Mishra the Superintendent of Police, Gaya
4. Mr. Suraj Kumar Sinha the Sub Divisional Officer, Gaya Sadar, Gaya
5. Mr. Ravi Shankar Ray the Circle Officer, Bodh Gaya, Gaya
6. Mr. Aurn Kumar the Circle Inspector, Bodh Gaya, Gaya
7. Mr. Abujar Hushain Anshari the Officer-in-Charge, Magadh University,
Bodh Gaya, Gaya
8. Parshuram Tiwary S/o Pumpal Tiwary Permanent resident of Vill.-
Karnpura, P.s.- Paliganj, distt.- Jehanabad and at present residing at opposite
Magadh University, Maia gate, M.U., P.s. and Distt.- Gaya
9. Mista Devi D/o Shri Ram Singhasan Ojha W/o Sri Parsuram Tiwary,
Resident of Vill.- Usas, P.s.- Konch, P.o.- Deera, Distt.- Gaya and Residing
opposite Magadh University, P.s.- M.U. Bodh-Gaya, Distt.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Priyadarshi, Advocate
For the Opposite Party/s : Mr.Md. Majid Mahboob Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-06-2023 Heard Mr. Manoj Priyadarshi, learned counsel for
the petitioner.

A peculiar situation has arisen inasmuch as in
C.W.J.C. No. 17467 of 2008 on 16.7.2013, a bench of this Court
(Hon'ble Mr. Justice Ajay Kumar Tripathi as his Lordship then
was) passed an order and the relevant part is incorporated



hereinbelow:

"A Tile suit No. 129 of 2003 has been filed by the petitioner seeking declaration in her favour with regard to piece and parcel of land on which respondents no.8 and 9 are also claiming a right in their own way. The writ application was filed when an effort was made by the respondents in connivance with the district administration to gain possession over the property, which is said to measure 11 decimals and relates to Khata No. 290, Plot No. 613/3236 purportedly purchased by the petitioner vide sale deed no. 7774, dated 5.4.1982.

The suit of the petitioner stood dismissed for default on 30th of August, 2007. It has now been



restored in the year 2011, to be precise, on 5.3.2011. Some mischief have been played by the respondents taking advantage of the dismissal of the suit, may be in default. The revival of the suit gives all power and the authority to plaintiff/petitioner to seek remedial measure including may be filing a petition under Order XXXIX Rules 1 and 2.

The dispute of such kind cannot be decided piecemeal partly under a writ jurisdiction and partly by a civil court in a title suit.

The writ application stands disposed of with a direction upon the Presiding Officer, Munsif II, Gaya that it will be incumbent upon him not to grant frivolous adjournments to either of the



parties, frame issues within a time frame and try to decide the matter preferably within a period of one year from the date of production of a copy of this order".

Mr. Manoj Priyadarshi, learned counsel for the petitioner has drawn attention of this Court to the order-sheet to show that despite specific observation to conclude the matter within a period of one year, it was three years later in 2016 that the issues were framed. According to him, the said suit is still pending.

If the version put forward by the learned counsel for the petitioner is correct, it is unfortunate that an order dated 16.7.2013 has still not been complied even after lapse of a decade.

Learned counsel for the petitioner submits that even now he will be contended if the Title Suit No. 129 of 2003 which is pending for last two decades is taken to its logical conclusion.

In view of the fair submission put forward by the learned counsel for the petitioner, this Court directs the Court



concerned where the Title Suit No. 129 of 2003 is pending to immediately follow the order dated 16.7.2013 and act strictly in line with the observation made therein and ensure that the said suit come to the logical conclusion within a period of six months.

The contempt application stands disposed of with the aforesaid observation.

Let a copy be provided to the office of District Judge, Gaya for his perusal and needful.

(Rajiv Roy, J)

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