

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9099 of 2018**

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1. Mosafir Yadav Son of late Sohrai Yadav
  2. Anand Yadav
  3. Dayanand Yadav@ Dayanand Kumar
  4. Kanchanand Yadav
- All 2 to 4 are Sons of Mosafir Yadav All 1 to 4 are Residents of Village Baiju Bigah, P.O. P.S. Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Superintendent of Police, Gaya.
6. The Sub-Divisional Officer, Gaya.
7. The Circle Officer, Gaya.
8. Dharamsheela Devi Wife of late Birendra Yadav
9. Raushan Yadav
10. Sumaran Yadav
11. Birosan Yadav All 9 to 11 are Sons of late Birendra Yadav
12. Kunwari Devi Daughter of late Raja Yadav All 8 to 12 are Residents of Village Baiju Bigah, P.O. P.S. Bodh Gaya, District- Gaya.
13. Musafir Yadav Son of late Shri Yadav
14. Sona Devi Wife of Musafir Yadav
15. Biranjan Yadav Son of Musafir Yadav All 13 to 15 are Residents of Village Jani Bigah, Hal Mokam Rampur, P.O and P.S. Bodhgaya, District- Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Jai Vardhan Narayan  
For the Respondent/s : Mr.Raj Kishore Roy- GP18

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 26-09-2024**

Heard the parties.

2. The present writ petition has been filed for the



following reliefs:

*“I. Issuance of directions order or writ in the nature of mandamus directing the Respondents to allow the Petitioners to stay in the house situated in Khata No. 988, House No. 323, 264 in Village Baiju Bigah, P.O. + P.S. Bodh Gaya, District Gaya as well as to allow their business and occupation of running Chandani Guest House with 5 shops in that Guest House as well as 5 other shops in Plot No. 1138, 1139 and 1124 situated in Village Baiju Bigah, P.O. + P.S. Bodh Gaya, District Gaya as the Title Partition Suit bearing No. 92/2012- 31/2015 has been filed by the Plaintiff namely Raja Yadav and Another versus Mosafir Yadav and Others and making the Petitioners as Defendants in the aforesaid suit without any rhyme or reason by the arbitrary and illegal action of the Plaintiff which is in violation of Article 21 of the Constitution of India.*

*II. Any other relief or reliefs for which the Petitioners may be deemed entitled to.”*

3. Learned Advocate for the petitioners submits that a title partition suit bearing Title Suit No. 92/2012- 31/2015 has been filed by making the petitioners defendants therein; which is pending before the court of learned Sub-Judge-VII, Gaya. It is further contended that with respect to protection to the life of



the petitioners and their family members, the petitioners had also approached before this Court in Criminal Writ Jurisdiction Case No. 2499 of 2017 which writ application stood dismissed *vide* order dated 30.11.2022 with an observation that the dismissal of the writ petition would, however, not come in the way of the petitioner in seeking appropriate remedy before the appropriate forum in accordance with law.

4. Learned Advocate for the State contended that since the title partition suit bearing Title Suit No. 92/2012- 31/2015 is already pending consideration before the competent court, the right and entitlement of the petitioners shall be abide by the final outcome of the Title Suit.

5. In view of the aforesaid facts and taking note of the pendnecy of the Title Suit, the writ petition stands closed.

**(Harish Kumar, J)**

Anjani/-

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| Uploading Date    | 26.09.2024 |
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