

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12715 of 2018

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Vidya Giri Son of Late Jodha Giri resident of village - Dubauli, P.S. -
Panapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector-cum-District Magistrate, Saran at Chapra.
3. The Sub-Divisional Officer, Marhaurah, Saran at Chapra.
4. The Deputy Collector Land Reforms, Marhaurah, Saran at Chapra.
5. The Circle Officer, Panapur , District - Saran at Chapra.
6. Dhaneshwar Das son of Sukhari Das
7. Badri Das son of Dhanayee Das
8. Tuntun Das son of Belash Das
9. Dashrath Das son of Ramdeo Das
10. Lalan Das son of Dhanayee Das
11. Suresh Das son of Mundrika Das
12. Birendra Das son of Jagjita Das
13. Sheonath Das son of Dhanayee Das
14. Chiraiya Devi son of Janak Das
15. Binod Das son of Fulena Das
16. Ravindra Das son of Fulena Das
17. Rita Devi D/o Fulena Das
18. Kishoriya Devi D/o Chandrika Das
19. Deepak Das son of Vishwanath Das
20. Janakiya Devi son of Gumani Das Respondent No. 6 to 20 are residents of
village - Dubauli, P.O. Dubauli, P.S. Panapur, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Respondent/s : Mr.Raj Kishore Roy- Gp18

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 12-11-2024

In the instant petition, petitioner has prayed for

the following relief(s):-



1. That this is an application for issuance of appropriate writ(s), order(s), direction (s) to respondent no. 5 to compliance or take necessary actions upon respondent no. 6 to 20 i.e. respondent 2nd set in the light of order / direction dated 10.10.2013 passed by respondent no. 4 in a case no. 69 of 2012-13 which is contained as Annexure-1 to this application.

And further for issuance of appropriate directions to respondents for vacate the subject land from private respondents i.e. respondent 2nd set, which is situated in the District of Saran, Anchal- Panapur, Revenue village- Methaura Dubauli, Pertaining in Khata No. 34 wherein survey Plot No. 427,428,429 and Khata No. 29 wherein Survey Plot No. 80, Area of 5 Katha 7 ½ Dhur which is as per Khatian recorded in the name of the ancestor of the petitioner but the respondent 2nd set illegally occupied the said land with malice attitude.

And for any other relief or relies for which the petitioner is found to be entitled in the facts and circumstances of the case, in the light of safeguard provided by the mandate of law.

2. Learned counsel for the petitioner submits that petitioner filed title suit No. 113 of 2001 which has been allowed by the judgment and decree dated 09.04.2008 with



regard to the land pertaining in Khata No. 34, Plot No. 427, 428, 429 and Khata No. 29, Plot No. 80, Area 5 katha 7(1/2) dhur which is the part and parcel of the writ petition. He further submits that petitioner has filed representation before the Circle Officer, Panapur, Saran at Chapra but the said representation has not been disposed of by the concerned authority, though, the Deputy Collector Land Reform, Marhaurah, Saran has passed the order that the possession of the land in question should be given to the petitioner but the said order has not been complied by the concerned authority/the Circle Officer, Panapur, Saran at Chapra which is mentioned in Annexure 3.

3. Learned counsel for the State submits that the order dated 09.04.2008 passed by Munsif – IVth, Saran at Chapra is in favour of the petitioner and for the compliance of the said order, execution proceedings is required under CPC and no petition for execution has been filed by the petitioner. He further submits that without availing appropriate remedy, petitioner has approached the Deputy Collector Land Reform, Marhaurah, Saran which is not the competent authority to execute the decree passed by the competent court. He further submits that unless and until decree is executed, the Deputy Collector Land Reform, Marhaurah, Saran has no jurisdiction to



decide the representation of the petitioner.

4. In the light of the aforesaid facts and circumstances of the present case, the preset writ petition stands disposed of with direction that petitioner is directed to represent his grievance before the appropriate forum/authority within four weeks from the date of receipt of this order.

5. At this stage, the learned counsel for the petitioner submits that he has filed his representation vide Annexure 3 of this writ petition, which has not been decided by the Circle Officer, Panapur.

6. In view of the aforesaid submission, Circle Officer, Panapur is hereby directed to dispose of the representation filed by the present petitioner which is pending, preferably within four weeks from the date of receipt of this order.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2024.
Transmission Date	N/A

