

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3481 of 2022

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Krishna Kumar Tibrewal Son of Late Hanuman Prasad Tibrewal, Resident of Ward No. 7, Behat Dakshini, Krishna Market Station Road, Jhanjharpur (R.S.), P.S. and Anchal Lakhsaur, District Madhubani, Pin - 847403.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Deptt. Govt. of Bihar, Patna.
2. The Collector, District Madhubani.
3. The Circle Officer, Lakhsaur, District Madhubani.
4. The Officer-In-Charge, Lakhsaur P.S., District Madhubani.
5. The Assistant Police Sub Inspector, Lakhsaur P.S., District Madhubani.
6. The Ajay Tibrewal, Son of Late Satya Narayan Tibrewal, Resident of Jhanjharpur (R.S.), Behat, Dakshini, P.S.- Lakhsaur, District Madhubani.
7. Vinit Tibrewal, Son of Late Satya Narayan Tibrewal, Resident of Jhanjharpur (R.S.), Behat, Dakshini, P.S. Lakhsaur, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anwar Karim
For the Respondent/s	:	Mr.Raj Kishore Roy (G.P-18)
For the Respondent nos.		
6 &7	:	Mr. Gautam Kejriwal, Advocate
	:	Mr. Alok Kumar Jha, Advocate
		Mr. Mukund Kumar, Advocate
		Mr. Akash Kumar, Advocate
		Mr. Aditya Raman, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-04-2024 Heard learned counsel for the petitioner, State as also

learned counsel for the respondent nos. 6 and 7.

2. The present writ petition has been preferred for:

*issuance of an appropriate writ
and/or order for quashing the impugned
order dated 23.12.2021/08.02.2022
(Annexure-13) whereby the Circle Officer,
Lakhsaur (Respondent No. 3) has rejected*



and declined for measurement of the petitioner's land only on the unfounded and frivolous objection petition filed by Sri Ajay Tibrewal (Respondent No. 6) and it is further prayed to issue an appropriate order and direction to the Circle Officer, (Respondent No. 3) for Lakhnaur measurement and demarcation of the land of the petitioner and/or pass such other order or orders as may be deemed fit and proper in the facts and circumstances of this case.

3. Finally, a counter affidavit on behalf of the respondent nos. 2 and 3 namely, the Collector, Madhubani as also the Circle Officer, Lakhnaur, Madhubani respectively is on record. Paragraph nos. 11 and 12 read as follows:

“11. that it is respectfully submitted that on 23.12.2021/08.02.2022 the Authority concerned C.O., Lakhnaur after hearing both the parties and the materials available on the record came on the conclusion that the Title Suit bearing T.S. No. 27/2006 is pending in the learned court of competent jurisdiction over the land in question that's why without the order of the learned court measurement of the land cannot be done as such the proceeding was dropped on 23.11.2021/08.02.2022.



12. that it is respectfully submitted that the petitioner has not filed any appeal against the order dated 23.12.2021/08.02.2022 passed by C.O., Lakhanaur in Demarcation Case No. 06/2021-22 as such, the writ petition is liable to be dismissed.”

4. From the aforesaid fact, it is clear that the order in question needs no interference in view of the observation made that since Title Suit No. 27 of 2006 is pending before the competent Civil Court, its final disposal has to be taken into account before proceeding further.

5. On query, whether any petition bringing on record the order of the Circle Officer, Lakhanaur has been filed before the Title Court or not, the answer is evasive.

6. On the last occasion, taking into account that the case is pending since the year, 2006, this Court had asked to bring on record the latest position of Title Suit No. 27 of 2006.

7. Pursuant to the said order, a certified copy has been provided in course of hearing which shows that delay is being caused mainly the due to adjournments taken.

8. Mr. Kejriwal, learned counsel, on instruction submits that presently the case is at the stage of evidence.



9. It is high time that the Title Suit is taken to its logical conclusion immediately and preferably within a period of six months from today even if any of the party tries to delay the proceeding, the Court can move ex-parte.

10. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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