

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4653 of 2023

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Md. Mahboob Alam Son of Late Idrish Alam Resident of Mohalla-Saharsa
Basti, Ward No.31 Under Saharsa Nagar Parishad, P.S. and District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-Cum-District Registrar, Saharsa.
3. The Additional Collector, Saharsa
4. The Sub-Registrar, Saharsa Registrar, Office, Saharsa.
5. The Circle Officer, Kahara, District-Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Respondent/s : Mr.Md. Sajid Salim Kham, AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 26-02-2024 Heard Mr. Pramod Mishra, learned counsel for the
petitioner and Mr. Sajid Salim Khan, learned AAG-12.

2. The petitioner has prayed for issuance of a writ in the nature of mandamus commanding and directing the respondents concerned to exclude the lands in question whose description has been mentioned in paragraph-4 of this writ petition from the list of lands standing in the name of State of Bihar in revisional survey wrongly prohibited from execution of sale-deed from the level of Sub-Registrar office, Saharsa in view of judgement and decree passed by the competent Civil Court in Title Suit No. 245/2014 decided on 13.11.2019 in favour of the petitioner, whereafter Jamabandi No. 5506/63 has been restored in the name of father of the petitioner and rent



receipt is also being issued from the level of respondent Circle Officer as also by Saharsa Nagar Parishad. However, till date, the lands of the petitioner has not been excluded from the list of lands standing in the name of State of Bihar despite regular persuasion by the petitioner.

3. Learned counsel for the petitioner submits that despite the disposal of the Title Suit No. 245 of 2014 on 13.11.2019 in the favour of the petitioner, they are not allowing the execution of the sale-deed in the office of Sub-Registrar, Saharsa.

4. A counter affidavit has been filed on behalf of the respondent no.3 in which in para-8, it has been recorded that against the said order, the State of Bihar has preferred Title Appeal No. 04/2023 before the learned District Judge, Saharsa.

5. Learned counsel for the petitioner submits that a bare perusal of the Title Appeal would show that for four years, they slept over the matter and only when the petitioner preferred this writ petition and they were to file counter affidavit, the Title Appeal was filed. He as such submits that only to frustrate his case, the said appeal has been filed.

6. Though, there is force in the submission put forward by the learned counsel for the petitioner, fact remains



that though belatedly, a Title Appeal has been filed by the State .
However, on the said ground itself, they cannot be allowed to
linger over the matter.

7. In that view of the matter, with the consent of the
parties, the writ petition stands disposed of with a direction to
the State to take immediate steps for getting interim relief in the
said Title Appeal No. 04 of 2023 within a period of three
months from the date of passing of the order failing which they
will be duty bound to take steps for the execution of the sale-
deed of the land as decided in Title Suit No. 245 of 2014.

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

(Rajiv Roy, J)

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