

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12072 of 2024

Binay Kumar, Son of Late Ayodhya Prasad @ Ayodhya Kumar, resident of village - Mouna, P.O. - Rajepur, P.S. Rajepur, District-Muzaffarpur, at present residing at 218 Pharmaceutical Colony, Near Shiv Mandir, B.H. Colony, P.O. B.H. Colony, P.S. Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Revenue and Land Reforms Department, Bihar, Patna.
2. The Collector, District - Muzaffarpur.
3. The Deputy Collector Land Reforms, Muzaffarpur.
4. The Circle Officer, Motipur, District - Muzaffarpur.
5. Dukhit Mandal, Son of Late Ramautar Mandal, resident of village - Mouna, P.O. Rajepur, P.S. - Rajepur, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Respondent/s : Mr. Gopal Krishna, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2024 Heard Mr. Ajay Kumar, learned Advocate for the petitioner and Mr. Gopal Kirshna, learned AC to GP-2.

2. The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing of the Purcha issued in favour of respondent no.5 way back in the year 1991 without any notice or opportunity to the father of the petitioner, who was alive at that point of time.

3. Learned Advocate for the petitioner contended that the father of the petitioner, namely, Ayodhya Prasad, resident of



Village Mouna, P.O. Rajopur, P.S. Rajopur, District-Muzaffarpur, was the owner and title holder of an area of 20 decimals appertaining to Khata No. 7, Plot No. 11 along with other lands. The aforesaid lands had acquired through a registered sale deed dated 07.12.1955. It is the contention of the petitioner that after purchase of the land, the father of the petitioner preceding to his death and the petitioner have been coming in peaceful possession over the land and the petitioner is paying rent to the State of Bihar and getting the rent receipt. In the month of January, 2024, when respondent no.5 started constructing thatched house over a part of the land in question, an objection was raised by the petitioner and he approached before the Sub Divisional Judicial Magistrate, West Muzaffarpur, praying therein to restrain respondent no.5 from interfering in the peaceful possession of the schedule land. Subsequently, the petitioner came to know that respondent no.5 has obtained a Purcha in the year 1991 vide Basgit Purcha Case No.21/1991-92. The aforesaid Basgit Purcha is questioned before this Court as the same has been issued without any notice or opportunity to the father of the petitioner while he was alive at that point of time.

4. Learned Advocate for the State drew the attention



of this Court that the brothers of the petitioner have already filed title suit bearing Title Suit No. 38 of 2024 and the same is pending consideration before the civil court of competent jurisdiction.

5. Considering the fact that for the similar grievance, the brothers of the petitioner have already filed Title Suit No.38 of 2024, thus, invocation of the jurisdiction of this Court by the petitioner is wholly misconceived and, as such, the writ petition stands dismissed.

6. Needless to observe that the petitioner has ample remedy available before the civil court of competent jurisdiction to get interim protection, if required.

(Harish Kumar, J)

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