

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12760 of 2024

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1. Ratan Kumar, Son of Late Gayaneshwar Chaudhary, Resident of Sadapur, Mahua, P.O. and P.S.-Mahua, Distirct- Vaishali.
 2. Rajesh Kumar, Son of Late Gayaneshwar Chaudhary, Resident of Sadapur, Mahua, P.O. and P.S.-Mahua, Distirct- Vaishali.
 3. Rajeev Kumar, Son of Late Gayaneshwar Chaudhary, Resident of Sadapur, Mahua, P.O. and P.S.-Mahua, Distirct- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Vaishali at Hajipur.
2. The Collector Cum District Magistrate Vaishali at Hajipur.
3. The Registrar District Registry Office, Vaishali at Hajipur.
4. The Circle Officer Mahua Block, Vaishali at Hajipur.
5. Amar Nath Chaudhary Son of Late Ajablal Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
6. Hardutt Chaudhary Son of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
7. Shiv Dutt Chaudhary Son of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
8. Dai Dutt Chaudhary Son of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
9. Rikku Dutt Chaudhary Son of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
10. Vinnue Chaudhary Daughter of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
11. Kumud Devi Daughter of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
12. Gitanjali Devi Daughter of Amarnath Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
13. Chandra Kala Devi D/o Ajablal Chaudhary Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.
14. Abhishek Kumar Son of Gajendar Jaiswal Resident of Village-Sadapur Mahua, P.S. and P.O. Mahua District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ratan Kumar Sinha, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC- 8

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT



Date : 02-09-2024

Learned Advocate for the petitioners seeks permission to make necessary correction in para. 1 and 8 of the writ petition, during course of the day.

2. Permission is accorded.

3. Heard Mr. Ratan Kumar Sinha, learned Advocate for the petitioners and Mr. Sheo Shankar Prasad, learned Advocate for the State.

4. The petitioners by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction upon the respondent authorities to restrain from executing any sale deed during the pendency of the Partition Suit No. 1260 of 2017, pending in the court of Civil Judge (Senior Division), Vaishali at Hajipur in view of the status quo passed by the learned court, who is in sesin of the case, on 12.04.2019.

5. From the materials available on record, it appears that a partition suit has been filed way back in the year 2017, being Partition Suit No. 1260 of 2017, with respect to certain land, in question. The court having found, prima facie, case directed to maintain status quo vide order dated 12.04.2019.

6. It is the case of the petitioners that despite the



order of injunction to maintain status quo, the private respondent no.14 executed various sale deeds in a collusive manner and thus the petitioners having found no way out but to approach this Court.

7 Considering the nature of the grievance and taking note of the fact that there is already injunction order, the petitioners have appropriate and statutory remedy under Order XXXIX Rule 2A of the Civil Procedure Code.

8. The writ petition stands disposed of with a liberty to the petitioners to approach the competent civil court, who is in sesin of the matter.

9. It is needless to observe that on filing of such petition, the learned court shall consider the matter and dispose of the same expeditiously, in accordance with law.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2024
Transmission Date	NA

