

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.994 of 2023

Sanjay Kumar Son of Ram Autar rai Resident of Village-Siwala, Dariyapur,
PS-Sahpur, District-Patna, State-Bihar.

... .. Petitioner/s

Versus

1. Kameshwer Prasad Singh Son of Late-Gulab Lal Ray Resident of Village-Maulanipur, P.O. and P.S.-Maner, District-Patna, Bihar.
2. Kaushal Kishore Kumar Son of Kameshwer Prasad Singh Resident of Village-Maulanipur, P.O. and P.S.-Maner, District-Patna, Bihar.
3. Deepak Kumar Son of Kameshwar Prasad Singh Resident of Village-Maulanipur, P.O. and P.S.-Maner, District-Patna, Bihar.
4. Anant Kumar Son of Kameshwer Prasad Singh Resident of Village-Maulanipur, P.O. and P.S.-Maner, District-Patna, Bihar.
5. Abha Devi D/o Kameshwer Prasad Singh Resident of Village-Pakri, P.S.-Nawada, District-Bhojpur, Bihar.
6. Krishna Devi D/o Kameshwar Prasad Singh Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.
7. Smt. Urmila Devi W/o Sri Hans Mani Prasad , Grand Daughter of Late-Raghunandan Bhagat Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.
8. Rameshwer Rai Son of Late Ram Das Rai Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.
9. Sheo Dayal Rai Son of Late Ram Das Rai Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.
10. Din Dayal Prasad Son of Late Ram Das Rai Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.
11. Ganga Prasad Son of Late Ram Das Rai Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.
12. Satendra Kumar Son of Late Ram Das Rai Resident of Village-Sultanchak, P.O.-Paimar Ghat P.S.-Pipara, District-Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Kant Kumar, Advocate



For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
Date : 21-11-2024

The record has been mentioned on mentioning being made on behalf of the petitioner.

2. The petitioner is aggrieved by the order dated 18.01.2023 passed by learned Sub Judge – VI, Danapur in Title Suit No. 439 of 2013, whereby and whereby the application dated 26.08.2022 filed by the petitioner under Section 151 of the Code of Civil Procedure has been dismissed.

3. Learned counsel for the petitioner submits that the petitioner is not a party in Title Suit No. 439 of 2013. An application was filed for temporary injunction in the said title suit and vide order dated 05.12.2016, the learned trial court ordered for maintaining status quo on the suit property till further order and restrained both the parties not to change the physical nature of the suit property and not to make any construction over the suit property. Learned counsel further submits that one of the properties on which the plaintiffs have sought declaration is having the description as Thana No. 105, Tauzi No. 592, Khata No. 84, Plot No. 695, Area 13 decimals of Mauza, P.S. Maner at present Shahpur, District - Patna.



Learned counsel further submits that except for 13 decimals of land of Plot No. 695, Khata No. 84 and Tauzi No. 592 the remaining 53 decimals of land belonged to this petitioner but due to vague order passed by the learned trial court, the injunction order is being treated effective against whole area of Plot No. 695, Khata No. 84, Tauzi No. 592. The learned trial court has send the injunction order to the office of Sub-Registrar who has been treating the whole land of Plot No. 695 as disputed and has not been allowing any alienation on the remaining area of Plot No. 695, Khata No. 84, Tauzi No. 592, Thana No. 105 situated in Mauza – Dariyapur, P.S. Maner at present Shahpur, District – Patna. Aggrieved by the injunction order dated 05.12.2016, the petitioner filed an application under Section 151 of the Code of Civil Procedure for modification of the order dated 05.12.2016 and to make the injunction effective only against 13 decimals of land of Plot No. 695, Khata No. 84. But the said application was rejected by the learned trial court on the ground that the injunction order dated 05.12.2016 has been challenged before this court by the defendants and the matter is still pending. Learned counsel, thus, submits that the impugned order needs interference by this Court under supervisory jurisdiction under



Article 227 of the Constitution of India. However, learned counsel for the petitioner submits that the petitioner would be satisfied if the order is clarified and it is made clear that the injunction order would be effective only against the suit property and not on the property of the petitioner or of any other person having land in same plot number.

4. Perused the record.

5. Perusal of order dated 05.12.2016 clearly shows the injunction order maintaining the status quo has been granted against the suit property and only parties to the suit have been restrained from changing physical nature over the suit property or to make any construction over it. Nowhere it has been mentioned that the injunction order would extend to all the properties existing against different plot numbers. In these circumstances, it is surprising that the injunction order is being treated to be effective against even the property which is not the suit property. A government authority is supposed to look into the details of the suit property before treating injunction to be effective against whole area of the plot instead of confining it to the property claimed by the plaintiffs. Making this point clear, I do not think the petition needs to be kept on board any further since no other relief has been sought



and the grievance of the petitioner should stand redressed with this clarification and for this reason I do not think there is any need to issue notice to the respondents.

6. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2024
Transmission Date	NA

