

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13692 of 2024

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1. Damodar Pandey S/o Late Ram Narayan Pandey, R/o village Pisay, P.S. Obra, District - Aurangabad. At Present R/o Srikrishna Nagar, Ahari, P.S. and District - Aurangabad.
 2. Vashishth Pandey S/o Late Ram Narayan Pandey, R/o village Pisay, P.S. Obra, District - Aurangabad. At Present R/o Srikrishna Nagar, Ahari, P.S. and District - Aurangabad.
 3. Sunil Sharma, S/o Late Nathuni Sharma alias Nathuni Singh, R/o village Ubb, P.S. Obra, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Vikash Bhawan, Bihar, Patna.
2. The Chief Secretary, Vikas Bhawan, Bihar, Patna.
3. Collector cum District Magistrate, Aurangabad.
4. Superintendent of Police, Aurangabad.
5. Sub-Divisional Magistrate, Aurangabad.
6. Circle Officer, Aurangabad.
7. Officer-In-Charge, Mufassil Police Station, Aurangabad.
8. Dhananjay Kumar Yadav alias Dharmendra Yadav, S/o Late Faguni Yadav, R/o village Kushi, P.S. Muffasil, District Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 17-09-2024

Heard the learned Advocate for the petitioners and the
learned Advocate for the State.

2. The petitioners are aggrieved by the order dated
20.07.2024, passed by the respondent Circle Officer,
Aurangabad, whereby and whereunder the Circle Officer,



Aurangabad has been pleased to pass an order of status quo in relation to the land, which is the subject matter of the Title Suit No. 33 of 2024, filed by the private respondent and others.

3. Learned Advocate for the petitioners contended that the land, in question, was purchased by the petitioners from one *Keshar Yadav* and *Bisheshar Yadav* way back in the year 2009 and since then, they have been coming in peaceful possession. Having purchased the land, the petitioners applied for mutation, which was allowed in their favour and the petitioners have been paying the revenue rent regularly with effect from the date of mutation. It is further contended that while the petitioners have been coming in possession of the land, in the meantime, the private respondent no. 11 started creating hindrances and filed several representation before the State officials in order to create problem in the peaceful enjoyment of the petitioners. Learned Advocate for the petitioners also contended that Title Suit No. 33 of 2024 has also been instituted by the private respondent and others for cancellation of the sale deeds executed by the ancestors of the private respondent in favour of the petitioners.

4. Irrespective of the aforementioned facts as also the Title Suit is pending before the Civil Court of competent jurisdiction,



when the private respondent has filed an application before the Circle Officer, the Circle Officer had passed the impugned order granting status quo.

5. Learned Advocate for the State, at this juncture, would submit that since the petitioner have been coming in peaceful possession over the land, in question, any status quo will certainly protect the interest of the petitioners.

6. Learned Advocate for the petitioners countering the submission thus, further contended that in the garb of status quo order, the Circle Officer, Aurangabad is not allowing the petitioners to cultivate the land, in question and making construction over it.

7. This Court is unable to accept the submission of the learned Advocate for the petitioners in absence of any specific order of prohibition to cultivate or otherwise. Once the matter is pending before the Civil Court of competent jurisdiction, with respect to the land, in question, the Circle Officer has no authority to pass any order of restraintment against any person, who is having, *prima facie*, right, title, interest, in his favour and is in possession of the land. It is the Civil Court of competent jurisdiction who shall look into the matter and pass appropriate order, if any dispute has been raised and sub judice therein.



8. In view of the aforesaid observation, the present writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2024
Transmission Date	NA

