

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15893 of 2023**

Manoj Kumar Gupta @ Manoj Gupta @ Manoj Kumar Son of Sri Manikchand Sah @ Manik Chand Gupta Resident of Village Pipara, Police Station- Banmankhi, District- Purnia, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Purnia Division, Purnia, Bihar.
3. The District Collector-cum-District Magistrate, Purnia, Bihar.
4. The Sub-divisional Magistrate, Banmanakhi, District- Purnia, Bihar.
5. The Deputy Collector Land Reform, Banmanakhi, District - Purnia, Bihar.
6. The Circle Officer, Circle - Banmanakhi, District - Purnia, Bihar.
7. The Superintend of Police, District - Purnia, Bihar.
8. The Station House Officer, Police Station-Banmanakhi, District - Purnia, Bihar.
9. The learned Bihar Land Tribunal through its Registrar, Patna Bihar.
10. Dharamchand Sah Son of Sri Ishwar Sah @ Ishwar Chand Sah Resident of Village Pipara, Police Sation - Banmanakhi, District - Purnia, Bihar.
11. Bishun Deo Son of Sri Ishwar Sah @ Ishwar Chand Sah Resident of Village Pipara, Police Sation - Banmanakhi, District - Purnia, Bihar.
12. Agam Lal Sah Son of Ishwar Sah @ Ishwar Chand Sah Resident of Village Pipara, Police Sation - Banmanakhi, District - Purnia, Bihar.
13. Damodar Sah Son of Sri Ishwar Sah @ Ishwar Chand Sah Resident of Village Pipara, Police Sation - Banmanakhi, District - Purnia, Bihar.
14. Sobha Chand Sah Son of Sri Ishwar Sah @ Ishwar Chand Sah Resident of Village Pipara, Police Sation - Banmanakhi, District - Purnia, Bihar.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                |
|----------------------|---|--------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Devendra Kumar Sinha, Sr. Advocate<br>Mr. Shashank Shekhar Sinha, Advocate |
| For the Respondent/s | : | Mr. Raj Kishore Roy (G.P-18)                                                   |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      19-04-2024                      Heard Mr. Devendra Kumar Sinha, learned Senior  
counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been preferred for the



following reliefs:

*( i ) to hold and declare that the State of Bihar has bounden duty to protect and save the property of the petitioner i.e., a piece of land bearing Khata No. 366 Plot No. 1483 appertaining area 9¼ dismal under mauja Pipara, since, he is dispossessed forcefully from his lawful possession over the said land by violating the preventive order of the lawful authority then the State is bound to restore his possession over the said landed property;*

*(ii) to hold and declare that the private respondents have no right in accordance with law to possess the property concerned to the land bearing Khata No. 366 Plot No. 1483 appertaining area 9% dismal under mauja Pipara;*

*(iii) to hold and declare that the private respondents have duty to honour the order of the lawful authority with regard to vacate the land of the petitioner bearing Khata No. 366 Plot No. 1483 appertaining area 9% dismal under mauja Pipara and further deliver the possession of the same to the petitioner;*

*(iv) to direct the concerned State respondents to vacate the purchased land of petitioner bearing Khata No. 366 Plot No. 1483 appertaining area 9% dismal under Mauja Pipara was mutated in his name and mutation order has been affirmed by superior courts but the same is*



*forcefully possessed by private respondents during the pendency of mutation appeal by violating the preventive order of learned Sub-divisional Magistrate, Banmanakhi and further directing to deliver the possession over the said land to the petitioner because it is held by the learned Deputy Collector Land Reform, Banmanakhi vide order dated 19.08.2014 passed in Case No. 03 of 2014-15 under the provision of Bihar Land Dispute Resolution Act, 2009 that the private respondents have forcefully encroached the said land and the order has been affirmed by the learned Appellate Court as well as by the learned Bihar Land Tribunal.*

3. Learned Senior counsel submits that though he succeeded before all the concerned authorities including the BLT in which an order came to be passed on 24.08.2017, in view of the interim protection granted to the respondent no. 10 herein though for a limited period in CWJC No. 18955 of 2017 on 21.12.2022 (Annexure-7 to the petition), he is unable to have the fruit.

4. The order of the co-ordinate Bench in C.W.J.C. No. 18955 of 2017 dated 21.12.2022 read as follows:

*“Heard learned counsel for the parties.  
The dispute between the parties is*



*essentially of title. If any of the party moves before the Court below by filing a title suit and files any injunction application, the injunction application shall be decided by the Court below within four weeks of its filing.*

*If the Court below feels that the injunction petition cannot be decided before filing the written statement then the Court below will take a decision on grant of interim injunction to the party concerned.*

*The Status-quo as on today shall be maintained till the order on injunction is passed.*

*The application is disposed of with the aforesaid observation.”*

5. Learned Senior counsel submits that aggrieved, the petitioner/appellant preferred L.P.A. No. 425 of 2023 which is pending. The last submission is that in view of the interim protection granted to him, the respondent concerned chose not to file any Title Suit.

6. Learned State counsel submits that now L.P.A. No. 425 of 2023 has already been preferred by the petitioner, as stated above, the remedy having been already available before the appellate Court, this writ petition has got no meaning.

7. This Court is of the same view as submitted by the learned State counsel, the fact is that the petitioner has got the



relief upto the BLT but due to interim protection, that too for the limited period, granted to the other side, he has been forced to file LPA No. 425 of 2023. However, having already filed the appeal there is/was no need to file present petition.

8. CWJC No. 15893 of 2023 accordingly stands disposed of as an order passed in appeal will be applicable to both the sides, finally.

**(Rajiv Roy, J)**

Jagdish/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

