

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20290 of 2018

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Dinannath Singh Son of Ramlakhan Singh, Resident of Village-Sonao, P.S.-
Belaon, District-Kaimur Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue & Land Reform Department, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Kaimur (Bhabhua)
4. The Sub Divisional Officer, Bhabhua, Kaimur
5. The Circle Officer, Rampur, Kaimur
6. Achhaivar Mali, son of Late Ram Janam Mali, Resident of Village-Sonao, P.S. Belaon, District- Kaimur (Bhabhua)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Bhatnagar, Adv.
For the Respondent/s : Mr.Subash Chandra Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 21-11-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.To issue a writ of Mandamus or any other writ or writs, direction or directions commanding the respondent authorities for removing the encroachment made over plot no. 92, area 2 Acre 33 decimals, appertaining to Khata No. 43, situated at village-Sonaon, P.S.-Belaon, District-Kaimur (Bhabhua), since the said land is recorded as "Anabad Sarvsadharan" and is used



by the villagers as source of water for irrigation and as a cremation ground, which has been encroached by the respondent no. 6 with the help of CO, Rampur (Respondent No. 5).”

2. At the outset, the learned counsel for the respondent-State has submitted that a title suit, bearing Title Suit No.317 of 2015 was filed by the respondent no.6, with regard to the land in question, in which a petition under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908, was filed for grant of injunction, however, the same was rejected, whereafter the respondent no.6 had challenged the rejection order dated 13.02.2017, by filing an appeal bearing Civil Miscellaneous Appeal Case No.7 of 2017, before the Ld. Court of District Judge, Kaimur at Bhabhua and vide order dated 26.03.2018, the Ld. District Judge, Kaimur at Bhabhua has set aside the order passed by the Ld. Sub-Judge-IV, Bhabhua and has restrained the State respondents from interfering with the possession of the respondent no.6 over the land in question.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to appear before the Ld. Trial Court in the aforesaid pending suit, bearing Title Suit No.317 of 2015. Liberty so sought is granted.

4. Accordingly, the present writ petition stands



disposed off.

(Mohit Kumar Shah, J)

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