

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14095 of 2016

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Bibi Sefat Ara wife of Md. Sabbir Ahmad of Village Jalkaura, P.S. and District Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Khagaria
3. The Superintendent of Police, Khagaria.
4. The Sub- divisional Magistrate, Khagaria
5. The Circle Officer, Khagaria
6. The Officer Incharge, Gangour, Khagaria
7. Md. Mahfuj Alam @ Chhito Son of Md. Muntaha Dandi of village Jalkaura, P.S. and District Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Swarup Prasad, Adv.
For the Respondent/s	:	Mr.Rishi Raj Sinha- SC19
For Respondent No.7	:	Mrs. Deepika Sharma, Adv. Mr. Rajat Kumar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 29-04-2025 Heard the parties.

2. The writ petition has been filed for:-

“(i) issuance of a direction or directions, order or orders, writ or writs especially in the nature of mandamus directing the State Authority particularly Respondent no.2, the District Magistrate, Khagaria to the Respondent no.3, the Superintendent of Police, Khagaria to get a vacant possession of the land



of the petitioner delivered to her from Respondent no.7, Md. Mahfuj Alam @ Chhito, who sold the said piece of land measuring an area of 03 dhurs under a registered deed vide a registered sale-deed dated 22.8.2006 in her favour, by virtue of an order of learned Subdivisional Magistrate, Khagaria, Respondent no.4 dated 10.10.2012 in Case No.16(M)2 of 2012 vide Annexure-2 who after hearing the parties allowed the claim of the petitioner seeking delivery of vacant possession of the said piece of land from Respondent no.7 and directed Respondent no.5, the Circle Officer, Khagaria to act accordingly with an assistance of the Officer -Incharge, Gangour, Khagaria, Respondent no.6 in her favour, but the possession of the land is still not delivered forthwith,

(ii) To issue further order, direction or a writ of mandamus or any other appropriate writ awarding suitable cost to the Respondent no payable to the petitioner in lieu of her



mental, physical and financial harassment due to her non-delivery of possession of the land in question since 2006.

(iii) To issue further direction/order granting her relief to which she is legally entitled.”

3. A counter affidavit has come on the behalf of the State-Respondents and it has been averred that the dispute that the petitioner is having with the Respondent No.7, the same can be adjudicated only before a competent Civil Court.

4. There is no refutal to the said averment despite the Co-ordinate Bench granting time to the petitioner, even the document on the basis of which the petitioner is claiming possession of the land, is not part of the record.

5. The claim of the petitioner is that she being lady, once Sub-Divisional Officer passed the order, the same should have been complied by the local authorities.

6. Respondent No. 7 is represented and the contention of the learned counsel is that the Sub-Divisional Officer has no jurisdiction to pass such order and in such disputed question of title/possession, the State has rightly observed that it can be adjudicated before the competent Civil



Court.

7. This Court is in conformity with the submissions put forward by the State as also by the Respondent No.7. Though, this Court has full sympathy for the petitioner, it has to stop at that and for the grievance that she had, the ultimate adjudication can be done by the competent Civil Court.

8. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

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