

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3290 of 2019

Manoj Lal Nakphopha, Son of Late Shyamjee Lal Nakphopha, Resident of Mohalla- Tilha Dharamshala, Eastern Road, Bhadar Choursa Road, Police Station- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reform and Revenue, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Gaya Municipal Corporation through the Municipal Commissioner, Gaya.
4. The Superintendent of Survey, Gaya.
5. The Deputy Collector Land Reform, Sadar, Gaya.
6. The Circle Officer, Manpur, Gaya.
7. Keshar Ravidas, S/o Late Kishun Ravidas, resident of Village- Salempur, Police station- Muffasil, Ward No. 31, District- Gaya.
8. Bano Khatoon, Wife of Abdul Jabbar, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
9. Praveen Khatoon, Daughter of Abdul Jabbar, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
10. Md. Jahid, Son of Abdul Jabbar, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
11. Md. Kaushar, Son of Abdul Jabbar, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
12. Mostt. Haseena Khatoon, Wife of Late Md. Sultan, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
13. Md. Sultan, Son of Late Sultan under the guardian of his natural mother namely Mostt. Haseena, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
14. Md. Manan, Son of Late Sultan under the guardian of his natural mother namely Mostt. Haseena, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
15. Md. Sikandar, Son of Late Sultan under the guardian of his natural mother namely Mostt. Haseena, resident of Village- Salempr, Police Station- Mufassil, District- Gaya.
16. Md. Ganda, Son of Late Sultan under the guardian of his natural mother namely Mostt. Haseena, resident of Village- Salempr, Police Station- Mufassil, District- Gaya
17. Md. Nanhak Son of Late Sultan under the guardian of his natural mother namely Mostt. Haseena, resident of Village- Salempr, Police Station- Mufassil, District- Gaya
18. Ishrat Khatoon, Wif eof Fekumia, Daughter of Late Md. Sultan, resident of



Village- Salempr, Police Station- Mufassil, District- Gaya

19. Munni Wife of Md. Idrish, Daughter of Late Sultan, Resident of Mohalla- Rahmatganj, District- Dhanbad, in the state of Jharkhand.
20. Mostt. Jainab Khatoon, Wife of Late Abdul Halim, resident of Village- Salimpur, Police Station- Muffasil, District- Gaya.
21. Md. Moin, Son of Late Abdul Halim, resident of Village- Salimpur, Police Station- Muffasil, District- Gaya.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Rai (GP-18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 19-06-2025 Heard learned Senior counsel for the petitioner,

learned counsel for the State and learned counsel for Municipal

Corporation, Gaya.

2. The present writ petition has been filed for the
following relief/s:-

“I. For commanding the respondent State authorities not to disturb and not interfering into the petitioner’s peaceful possession on the land appertaining to land of Plot no.18 (new) in Thana no.319, Khata no.67 having an area of 4.75 acres in collusion and connivance of the private respondents, during the pendency of the Title Suit No.196 of 2005, pending by the learned Sub Judge-IV, Gaya, since the said court is vacant for considerable period of time.

II. For any other appropriate relief or reliefs to which the petitioner is found entitled either



in the eye of law or in the facts and circumstances of the case.”

3. Learned Senior counsel for the petitioner submits that for the plot in dispute, there are two title suits pending before the court of competent jurisdiction Sub-Judge, Gaya and those suits are numbered as Title Suit No.199 of 2005 filed by the petitioner and Title Suit No.196 of 2005 filed by some of the private respondents. Senior counsel submits that the dispute has been filed before the court of competent jurisdiction, but it could not be proceeded either one pretext or other. It is due to this reason, there is no progress in the title suit and hence, the petitioner has no option but to move before this Hon'ble Court.

4. Learned counsel for the State submits that the title suits have been filed by the petitioner and private respondents both and a direction may be made to the competent civil court to decide the title suits at the earliest.

5. Learned counsel appearing for Municipal Corporation, Gaya submits that the present writ petition has been filed with the intention to delay the litigation. He submits that the prayer which has been made by the petitioner in the writ petition is basically in the form of injunction which can be granted by filing interlocutory application in the title suit itself.



He further submits that the title suits are pending since 2005 and presently, 2025 is going on. Whereas, the present writ petition has been filed in the year 2019. Pendency of the writ petition continues for about last 6 years and title suits are pending for about last 20 years.

6. As such, this Court is not inclined to pass any order in the writ jurisdiction, but only directs the parties to file respective interlocutory application for transfer before the concerned District & Sessions Judge of those two title suits i.e. Title Suit No.199 of 2005 and Title Suit No.196 of 2005 before the running court, so that fast adjudication shall be made in those title suits. Upon filing the said transfer application, the concerned Principal District & Sessions Judge, Gaya shall take immediate decision.

7. Hence, this writ petition is hereby disposed off.

(Dr. Anshuman, J)

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