

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17264 of 2014

- 1.1. Maheshwar Yadav Son of late Sita Ram Yadav resident of Village Kiratpur Police station Jamalpur District Darbhanga.
- 1.2. Singheshwar Yadav Son of late Sita Ram Yadav resident of Village Kiratpur Police station Jamalpur District Darbhanga.
- 1.3. Sushil Kumar Yadav Son of late Sita Ram Yadav resident of Village Kiratpur Police station Jamalpur District Darbhanga.
- 1.4. Anil Kumar Yadav Son of late Sita Ram Yadav resident of Village Kiratpur Police station Jamalpur District Darbhanga.
- 1.5. Punil Kumar Yadav Son of late Sita Ram Yadav resident of Village Kiratpur Police station Jamalpur District Darbhanga.
- 1.6. Chandrakala Devi Daughter of late Sita Ram Yadav, wife of Suresh prasad Yadav, Resident of Baluaha, Police station- Bheja, District- Madhubani.
- 1.7. Indra Kala Devi daughter of Late Sita Ram Yadav, wife of Satya Narayan Yadav, Resident of Village- Sonwa Police Station- Biraul, District- Darbhanga.
- 1.8. Subh Kala Devi Daughter of Late Sita Ram Yadav, wife of Gurucharan Yadav, Resident of Village- Bagras Police Station Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
3. Dy. Inspector General of Police, Darbhanga.
4. District Magistrate and Collector, Darbhanga.
5. Senior Superintendent of Police, District Darbhanga.
6. Officer in Charge, Jamalpur P.S., Darbhanga.
7. Mahendra Yadav Son of Thako Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
8. Mindra Yadav Son of Thako Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
9. Upendra Yadav Son of the Thako Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
10. Yogi Yadav Son of Thako Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
11. Durganand Yadav Son of Upendra Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
12. Suraj Yadav Son of Late Chhabu Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
13. Binod Yadav Son of Dev Narayan Yadav Resident of Village- Kiratpur, P.S.-



Jamalpur, District- Darbhanga.

14. Sanjeev Yadav Son of Late Buchilal Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
15. Guru Dayal Son of Khushi Lal Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
16. Baidyanath Yadav Son of Ramji Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
17. Naresh Yadav Son of Boku Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
18. Jawahar Yadav Son of Chhatki Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
19. Devkant Yadav Son of Jaisi Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
20. Domi Yadav Son of Jaisi Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
21. Hira Yadav Son of Late Vishundev Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
22. Dilip Yadav Son of Jangbahadur Yadav Resident of Village- Kiratpur, P.S.- Jamalpur, District- Darbhanga.
23. Arun Ram Son of Dev Narayan Ram Resident of Village- Simari, P.S.- Ghanshyampur, District- Darbhanga.
24. Shrawan Ram Son of Dev Narayan Ram Resident of Village- Simari, P.S.- Ghanshyampur, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh, Advocate
For the Respondent/s : Mr. Ashok Kumar Keshri, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 06-02-2025 Heard learned counsel for the petitioners and learned

counsel appearing on behalf of the State as well as private

respondents.

2. The petitioners have filed the writ petition directing

the Respondent No. 5 i.e. Senior Superintendent of Police,

District Darbhanga to take appropriate action in compliance of



the order dated 25.04.1978 passed in Partition Suit No. 38 of 1975.

3. Learned counsel for the petitioners submits that the father of the petitioners, namely, Late Sita Ram Yadav has filed a Partition Suit No. 38 of 1975 and the same was allowed in favour of the father of the petitioners. Then one of the private respondent has filed a revision petition (Misc. Case No. 22 of 1987) but the same was dismissed on 25.08.1994. Then the father of the petitioners has filed Execution Case No. 3 of 1985 and on 14.01.2013 an order was passed in the said execution case. The private respondents have filed writ petition bearing CWJC No. 4790 of 2013 challenging the order dated 14.01.2013 passed by the learned Sub Judge II in Execution Case No. 3 of 1985 but the same was dismissed vide order dated 26.04.2013.

4. Learned counsel for the petitioners further submits that thereafter, Sita Ram Yadav approached the Respondent No. 5 but the Respondent No. 5 has not co-operated with him due to which he has filed the present writ petition only for execution of the order dated 14.01.2013 passed in Execution Case No. 3 of 1985.

5. Learned counsel appearing on behalf of the private respondents have also filed counter affidavit stating therein that



the petitioners have not come to this Court with clean hands and from bare perusal of the writ petition it appears that the petitioners are claiming share in entire land measuring 32 Bigha 15 Katha 19 Dhur as mentioned in the Partition Suit No. 38 of 1975. The petitioners are claiming $\frac{1}{4}$ shares in the schedule-1 lands measuring 13 Bigha 7 Katha 7 Dhur and $\frac{1}{2}$ shares in the schedule-1 Ka and schedule-2 lands measuring 1 Bigha 17 Katha 10 Dhur and 17 Bigha 11 Katha 2 Dhur respectively and during pendency of the present writ petition, the petitioners have sold the land in question through different sale deeds to different persons.

6. Having heard learned counsel for the parties and perused the materials available on record which transpire that the petitioners basically want execution of the order dated 14.01.2013 passed in Execution Case No. 3 of 1985.

7. In view of the aforesaid, the petitioners are directed to again approach the Respondent No. 5 by way of filing representation annexing all the supporting documents with respect to their claims and the Respondent No. 5 is also directed to disposed of the representation of the petitioners in accordance with law after hearing all the concerned, if so advised and take appropriate action in accordance with rule.



8. With the aforesaid direction the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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