

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10972 of 2024

=====

Palti Devi W/o- Late Ramvilas Das, R/o- vill.- Sakrauli, P.O. and P.S.-
Mahisaur, Anchal- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Vaishali.
2. Collector, Vaishali.
3. Sub-Divisional Officer, Mahua.
4. Superintendent of Police, Hajipur.
5. Dy.S.P., Mahua.
6. Munnilal Das Son of Rameshwar Das, R/o- vill.- Sakrauli, P.O. and P.S.-
Mahisaur, Anchal- Jandaha, District- Vaishali.
7. Dhamik Das Son of Rameshwar Das, R/o- vill.- Sakrauli, P.O. and P.S.-
Mahisaur, Anchal- Jandaha, District- Vaishali.
8. Anchal Adhikari, Jandaha.
9. Nazir of the Court of Learned Munsif- 2nd, Hajipur, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shrinandan Pd. Singh, Sr. Adv.
	:	Mr. Kumar Sameer, Adv.
For Respondent No. 9	:	Mr. Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr. Kumar Manish, Standing Counsel (5)
	:	Mr. Kumar Pankaj, AC to SC5

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 10-12-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

*“That this application is being filed for
issuance of appropriate writ order or direction to
the respondent no. 2 to 9 to restore the possession of
the petitioner’s family on the portion of the plot no.
described in paragraph no. 3 from which they were
dispossessed forcibly without any reason and the
respondents may be further directed to pay damages
cost to the petitioner.”*



3. The petitioner in the CWJC has made the allegation that the *Nazir* of the Civil Court of the Munsif 2nd Hajipur, District-Vaishali, (the respondent No. 9 herein) has wrongly identified the property of the petitioner and the decree was executed erroneously.

4. Learned counsel for the petitioner submits that the subject property of the present writ petition was not the subject matter of the Title Suit No. 47 of 2009, and was wrongly executed by the respondent No. 9 herein. Learned counsel therefore, seeks a direction from this Hon'ble Court to direct the authorities to put the petitioner back in possession of the subject property of the present writ petition. Further, it is submitted that though the petitioner has approached the Munsif 2nd Hajipur, District-Vaishali complaining about the illegal dispossession of the petitioner, the Court till date have not taken any steps to adjudicate the matter.

5. *Per contra*, the learned counsel appearing on behalf of the respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the authorities have acted strictly in accordance with law and have only executed the order passed by the Munsif 2nd Hajipur, District-Vaishali, in Title No. 47 of 2009 under



Execution Case No. 02 of 2015 and that the present writ petition is misconceived, therefore, the respondent authorities cannot be blamed for same. Further, it is stated that the authorities cannot be blamed for the loss, if any, caused by the demolition of the part of the petitioner's house in the course of execution pursuant on the judicial orders passed by the Munsif 2nd Hajipur, District-Vaishali. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. Admittedly, in the present case, the respondent No. 9 basing on the orders passed in Execution Case No. 02 of 2015 in Title Suit No. 47 of 2009 on the file of the Munsif 2nd Hajipur, District-Vaishali has executed the decree passed by the said Civil Court. In case the petitioner has a complaint about the wrongful execution of the decree by the respondent No. 9, her remedy is to file an appropriate application before the Executing Court under the Order 21 Rule 99 of the Code of Civil Procedure, 1908 or any other provision. Order 21 Rule 99 of CPC gives a right to the person who is illegally dispossessed. In case the petitioner is so advised, she is free to move the execution Court by filing an appropriate application under Order 21 Rule 99 of CPC or any other relevant provisions of CPC.

7. Having regard to the same, this Court does not



find any merit in the present writ petition accordingly, the present writ petition is dismissed however, granting liberty to the petitioner to move an appropriate Civil Court for redressal of her grievance, if she is so advised.

(A. Abhishek Reddy, J)

Ayush/-

U			
---	--	--	--

