

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19850 of 2014

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1. Janki Devi and Ors. W/o Late Basudeo Singh
 2. Rajendra Singh
 3. Kameshwar Singh
 4. Indradeo Singh
 5. Uday Singh all sons of Late Basudeo Singh R/o Village- Baraila P.S- Fatehpur Distt.-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate cum Collector , Gaya.
3. The Addition Collector,District-Gaya
4. The Deputy Collector Land Reforms, Sadar,Gaya
5. The Circle Officer,Tankuppa,District-Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Onkar Kumar, Advocate
For the Respondent/s : Mr. Ram Vinay Pd. Singh, AC to GAXIII

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-08-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. This petition has been filed for seeking following
reliefs:

(i) For issuance of an appropriate Writ (s), order (s) for quashing of the order dated 02.07.2014 passed in Rent Fixation Appeal Case no. 48/2013-14 by Respondent no.3 whereby and whereunder order dated 07.09.2013 passed in Rent Fixation Case no 01/2010-11/105/12-13 by Respondent no.4 has been upheld.



(ii) For issuance of an appropriate writ (s), order (s) for quashing of the order dated 07.09.2013 passed in Rent Fixation Case no. 01/2010-11/105/12-13 by Respondent no.4, whereby and whereunder a direction has been issued to Respondent no.5 to file Title appeal against the order dated 30.09.2008 passed in Title Suit no.223/08/144/87 (Janaki Devi & ors vs State of Bihar & others) by learned sub Judge IVth Gaya by which the suit was decided in favour of the petitioners.

(iii) And after quashing of the abovesaid orders a direction may be issued to the Respondent no.5 to fix the rent of the property in question of the petitioners and issue rent receipt to them.

(iv) For a direction to state authorities to suitably compensate the petitioners for their undue harassment by the state officials specially by Respondent no.4 as well as to take disciplinary action against the Respondent no 4 for his misdeed.

3. Pursuant to the order dated 30.06.2025, the supplementary counter affidavit has been filed by the Circle Officer, Tankuppa, Gaya, and according to which the Title Appeal No.11 of 2015 preferred by the State against the judgment and decree dated 30.09.2008 (Title Suit No. 223/08/144/87) passed by the learned Sub Judge-IV, Gaya got dismissed for default on 28.01.2020 due to non filing of “requisites of notice”.



4. Pursuant thereto, in the year 2024, the they have preferred Civil Misc. No.85 of 2024 for restoration of Title Appeal No.11 of 2015, which is pending.

5. Learned counsel for the petitioners submits that the State-respondents are buying time and order was passed in the year 2008, they preferred appeal seven years later in the year 2015, five years later, it was still pending for filing of requisites of notice which not complied, got dismissed and the State again took four years to file the restoration petition.

6. Upon query, learned counsel for the State submits that though delay has occurred, they shall be taking all steps not only to get the Title Appeal No.11 of 2015 restored to its original file but shall also be making prayer for for interim relief against the order passed in Title Suit No. 223/08/144/87.

7. In view of the said statement and considering the submission of the parties specially learned counsel for the petitioner that the State from 2008 till 2025 is not pursuing the matter but has stalled the order passed by the Title Court in the year 2008 as a result whereof they have not even tested the fruits of the said order.

8. In that background, the writ petition is disposed of allowing the State to get Title Appeal No.11 of 2015 not only



restored but to file appropriate petition for interim relief against the Title Suit No. 223/08/144/87 in next six months that is to say by 28.02.2026, failing which the State shall be duty bound to comply the order dated 30.09.2008 passed in Title Suit No.223/08/144/87.

(Rajiv Roy, J)

anand/-

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