

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1056 of 2023

In
Civil Writ Jurisdiction Case No.5006 of 2017

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Md. Tayab, Son of Late Md. Hussain, Resident of Qr. No. D/109, Police Colony, P.S. Gardabibagh, P.O. Anishabad, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Registrar, Co-operative Societies, Bihar, Patna.
2. That Secretary, Aarakashi Karamcharigan Shakari, Girh Niraman Samiti Ltd., Anishabad, Patna-2.
3. Anwari Bano Wife of Sami Eqbal Resident at D/109, Police Colony, Anishabad, Patna-800002.
4. Sams Tabres Khan Son of Late Md. Ayub Khan Present Resident at Mohalla-Jameshwar Road, Ajmer, P.O.-Ajmer, P.S.-Ajmer Dargah Sarif, District-Ajmer, Rajasthan.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to GA- 13

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 06-02-2025

We have heard Mr. Sanjay Kumar, the learned

Advocate for the appellant and Mr. Sanjay Kumar, the

learned Advocate for the State.

2. The appellant has questioned the order

dated 31.07.2023 passed by a learned Single Judge of

this Court in C.W.J.C. No. 5006 of 2017, refusing to



interfere with the decision of the learned Munsif who had recused to have the observations of the Joint Secretary of the Co-operative Society to be executed.

3. The appellant had purchased a land in the police colony from respondent No. 4. However, the daughter of respondent No. 4 (respondent No. 3) claimed that the property in question had been orally gifted to her. She had also preferred a Title Suit impleading her father as defendant. The appellant had parallelly moved before the Co-operative Societies seeking removal of encroachment. The concerned authority of the Co-operative Society had rightly observed that removal of encroachment would not fall in their domain. However, while disposing of the petition of the appellant, it was parenthetically observed that it appears that the appellant had purchased the land in question from the owner/vendor for a consideration.

4. Armed with this observation of the Officer of the Co-operative Society, the Court of the learned



Munsif was moved for execution, which was rightly rejected. It was a misadventure on the part of the appellant to have done so; nonetheless the efforts were foiled.

5. We do not find any reason to interfere with the order of the learned Single Judge referred to above.

6. The appeal is, accordingly, dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sauravkrsinha/
Praveen-II-

AFR/NAFR	NAFR
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