

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17460 of 2018

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Yogendra Pandit Son of Late Sunari Devi, Wife of Late Gokhula Pandit,
Resident of Village - Banjari Pargana - Kuari, P.S. and P.O. and District -
Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Jail Superintendent, Mandal Kara, District- Gopalganj.
3. The Anchal Adhikari, District Gopalganj.
4. Manoj Prasad Singh, Son of Late Laxmi Prasad Singh.
5. Dilip Halwai, Son of Late Bishesar Halwai, Both are resident of Village Haziapur, P.S. P.O. District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Adv.
For the Respondent/s : Mr. Sajid Salim Khan -SC-25

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-03-2025 Learned Counsel for the petitioner and Learned
Counsel for the State are present.

Re: I.A. No. 01 of 2022

2. Learned Counsel for the petitioner submits that the petitioner has died during the pendency of the writ petition and, in her place, her heir and legal representative be added as party, whose name is mentioned in Paragraph 2 of the Interlocutory Application. The *vakalatnama* is already on record with the I.A. petition.

3. Learned Counsel for the State has no objection for the same.

4. Accordingly, the present Interlocutory Application No. 01 of 2022 is hereby allowed.



5. It is directed that the Counsel for the petitioner shall add the name of the heir and legal representative of the petitioner in the writ petition today in the Court itself.

6. The Registry is directed to add the name of the heir and legal representative of the petitioner whose name is mentioned in Paragraph 2 of the Interlocutory Application, as a party in the soft copy. Thereafter, this order shall be published.

Re: CWJC No. 17460 of 2018

7. The present writ petition has been filed for the following reliefs:-

(i). To direct the concerned Respondents to vacate the encroachment land of Khata no. 2, Khesra no. 43, Area 8 Katha, 12 dhur Thana no. 76, Tauzi No. 3947, Mauza- Gopalganj, District- Gopalganj.

(ii). In view of the Judgment dated 29.06.2007 and Decree dated 10.07.2007 passed by learned. Sub Judge-1st, Gopalganj in T.S. No. 99/1972 but Respondents have not complained the order as vacate the land in question as yet.

(iii). To grant any other relief/reliefs which the petitioner may be found entitled in the facts and circumstances of the case.



8. Learned Counsel for the petitioner submits that the respondent lost in Title Suit No. 99 of 1972, in which the judgment and decree were in favour of the petitioner. Despite this, the respondent has encroached the land of the petitioner. Counsel further submits that the respondents have filed no appeal against the judgment and decree dated 10.07.2007. Therefore, the said final order has acquired finality, but despite this, the private respondent continues to create disturbances.

9. Learned Counsel for the State submits that the petitioner has to approach before the competent Civil Court for the execution of the decree and not before the High Court.

10. In light of the above, the writ petition stands disposed off, directing the petitioner to avail the remedy before the competent Civil Court.

11. It is made clear that the period during which this writ petition has been pending before this Court shall not be counted for the purpose of limitation in filing the execution case.

(Dr. Anshuman, J.)

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