

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1413 of 2024**

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1. Ashok Kumar Son of- Late Shankar Mahto @ Shiv Shankar Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station Cheriya Bariyarpur, District Begusarai.
2. Pravin Kumar, Son of- Late Shankar Mahto @ Shiv Shankar Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station Cheriya Bariyarpur, District Begusarai.
3. Sanjeev Kumar, Son of- Late Shankar Mahto @ Shiv Shankar Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station Cheriya Bariyarpur, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Begusarai.
2. The Circle Officer Cheriya Bariyarpur, District - Begusarai.
3. Lalit Mahto Son of Late Jagbali Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station Cheriya Bariyarpur, District Begusarai.
4. Om Prakash Mahto, Son of Late Jagbali Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station and Block- Cheriya - Bariyarpur, District Begusarai.
5. Ram Bahadur Das, Son of Late Lakhan Das, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station and Block- Cheriya - Bariyarpur, District Begusarai.
6. Ram Sagar Mahto, Son of Jhari Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station and Block- Cheriya - Bariyarpur, District Begusarai.
7. Harihar Mahto, Son of Ram Sagar Mahto, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station and Block- Cheriya - Bariyarpur, District Begusarai.
8. Saryug Das, Son of Late Lakhan Das, Resident of ward no. 5, Village Basahi, Post Office Basahi, Police Station and Block- Cheriya - Bariyarpur, District Begusarai.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ranjeet Kumar, Advocate<br>Mr. Kundan Kumar, Advocate |
| For the Respondent/s | : | Mrs. Puspanjali Sharma, AC to SC-20                       |

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      08-01-2025      Record has been taken up on mentioning being made



on behalf of the petitioners.

2. Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of State-respondents.

3. The petitioners have approached this Court with limited prayer seeking direction to learned Additional District Judge, Manjhaul, district – Begusarai to dispose of the application dated 25.07.2024 filed by the petitioners under Order 39 Rule 1 and 2 read with Section 94 of the Code of Civil Procedure (in short ‘the Code’) in Title Appeal No. 41 of 2011.

4. Learned counsel for the petitioners submits that the title appeal is pending since 2011 and as the petitioners were being dispossessed from the suit property without any execution proceeding and appeal of the petitioners is pending, the petitioners have filed application under Order 39 Rule 1 and 2 read with Section 94 of the Code but the same is not decided by the learned appellate court. Taking advantage of the fact the State-respondents are went upon constructing the Panchayat Sarkar Bhawan on the land of the petitioners.

5. Since the petitioners have approached this Court with limited prayer for disposal of their application under Order 39 Rule 1 and 2 read with Section 94 of the Code, I do not think that there is any need to issue notice to the private respondents.



6. Having regard to the facts and circumstances of the case, learned Additional District Judge, Manjhaul, District – Begusarai is directed to take up the application filed by the petitioners on 25.07.2024 under Order 39 Rule 1 and 2 read with Section 94 of the Code in Title Appeal No. 41 of 2011 for early disposal and make effort to dispose of the same preferably within a month from the date of receipt/production of a copy of this order.

7. With the aforesaid observation, the present petition stands disposed of.

**(Arun Kumar Jha, J)**

DKS/-

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