

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5958 of 2016

1. Suresh Prasad Singh
 2. Umesh Prasad Singh
 3. Mahesh Prasad Singh All are sons of Late Dashrath Prasad Singh, resident of Village- Babhan Bigha, Police Station- Barbigha, District- Sheikhpura.
- Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Sheikhpura.
 3. The Superintendent of Police, Sheikhpura.
 4. The Circle Officer, Barbigha, Sheikhpura.
 5. The Officer-in-Charge, Barbigha Police Station, Sheikhpura.
 6. Sohail Ahmad son of Late Hakim Abdul Saheb, resident of Mohalla- Sharepur, Biharsharif, Police Station- Biharsharif, District- Nalanda.
- Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No-2, Advocate
For the Respondent/s	:	Mr.Manish Kumar- GP-08
For respondent no.06	:	Mr. Ravindra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2026 Heard Mr. Manish Kumar No.2, learned counsel for the petitioners and Mr. Manish Kumar, learned G.P.-08 as also Mr. Ravindra Prasad Singh, learned counsel for the respondent no.06.

2. The present petition has been preferred for the following relief/s:

(i) for setting aside the order dated 10.02.2016 passed by the District Magistrate, Sheikhpura whereby and where under he has requested the Superintendent of Police, Sheikhpura to provide adequate security for compliance of order dated 09.06.2015 passed in Cr.W.J.C.



No. 578 of 2015 by the Hon'ble High Court;

(ii) for issuance of direction to the Respondent Authorities to comply the order of the Hon'ble High Court passed in Cr.W.J.C. No. 578/2015 properly as per direction given by the Hon'ble Court;

(iii) for issuance of a direction to the Respondent to not the Authorities disturb possession of the petitioners with respect to the land bearing Khata No. 304, Khesra No. 798 at Mauza- Faizullahpur Koiribigha, situated P.S. Barbigha, District Sheikhpura in garb of the order 09.06.2015 passed in Cr.W.J.C. No. 578 of 2015;

(iv) for directing the Circle Officer, Barbigha to comply the order dated 09.06.2015 direction given by the Hon'ble Court in Cr.W.J.C. No. 578 of 2015;

(v) and/or for any other relief or reliefs to which the petitioners may be found entitled encourse of hearing of this writ application.

3. At the outset, Mr. Manish Kumar, learned State counsel has taken this Court to paragraph 22 of the writ petition to



show that the Title Suit No. 39 of 2013 is pending before a competent Court of Sheikhpura and the petitioners have all the time to put forward his point for the redressal of the grievance. He further submits that so far as the security to the respondent no.06 is concerned, a perusal of Annexure-6 would show that the Collector, Sheikhpur gave direction in the light of order passed in the case of **Sohail Ahmad vs. the State of Bihar & Ors. (C.W.J.C. No. 578 of 2015)**. Learned State counsel has further taken this Court to para-07 of the counter affidavit to show that the demarcation has taken place in the year 2015 itself.

4. Learned counsel for the petitioners submit that a perusal of the paragraph would show that the presence of the petitioners has not been shown there. He submits that the Title Suit is pending, they shall be agitating the matter but if the demarcation took place, his presence should have been there.

5. Though, Mr. Manish Kumar No.2 submits that the said demarcation took place in his absence, learned State counsel has taken this Court to Annexure-C/B of the counter affidavit filed on behalf of the respondent nos. 2 and 3 duly served upon the learned the learned counsel for the petitioners on 18.10.2016 to show that vide letter no. 571 dated 08.07.2015, the petitioners were issued notice and they have also acknowledged by putting their respective signatures. However, they chose to remain absent



and that cannot be a ground of to say that in their absence, the demarcation took place. He further submits that the petitioners should instead approach Title Court.

6. It is to be noted that the counter affidavit is of the year 2016, copy served to the petitioners not rebutted and as such the contention of the learned State counsel has to be accepted.

7. In that background, the writ petition is disposed of allowing the petitioners to put forward/raise all the points before the Title Court by filing an appropriate petition, if they want any further development in the matter relating to the demarcation.

8. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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