

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13465 of 2015**

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Shiva Kumar Sharma S/O -Shri Dashrath Prasad Singh, resident of village  
Walipur, Police Station- Piparia, Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector Lakhisarai, Bihar.
3. The Land Reforms Deputy Collector, Lakhisarai
4. The Circle Officer, Lakhisarai
5. The Station House Officer, Lakhisarai.
6. Sita Ram Yadav, S/O- Lakhan Yadav,
7. Bimal Yadav, S/O- Lakhan Yadav, Respondent No.-6 and 7 resident of  
village- Bhola tola, P.S. District- Lakhisarai.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Amrendra Kumar, Advocate |
| For the State        | : | Mrs. Kumari Amrita, GP-3     |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      31-01-2026                      Heard the parties.

**I.A. No. 1 of 2017 (1070 of 2017)**

2. The aforesaid Interlocutory Application has been preferred by Shiv Kumar Sharma and Avinash Sharma as intervener respondent no.8 and 9 respectively in the writ petition on the ground that for the said land a Title Suit No. 49 of 2008 is pending before a competent court of learned Sub-Judge, Lakhisarai and without detailing it out in the writ petition and/or impleading them as party respondents, the writ petition has been filed.



3. Considering the facts that has been incorporated in the aforesaid Interlocutory Application, the same has to be allowed.

4. Let Shiv Kumar Sharma and Avinash Sharma be impleaded as intervener respondent no.8 and 9 respectively in the writ petition.

5. I.A. No. 1 of 2017 (1070 of 2017) is disposed of.

**CWJC No. 13465 of 2015**

6. The present writ petition has been preferred for the grant of following relief(s):

*“for grant of an appropriate writ for a direction to the respondents for execution of the order dated 30.03.2013, passed by the Land Reforms Deputy Collector, Lakhisarai in Land Dispute Resolution Case No. 72/2012-13.”*

7. The claim of the petitioner is that an order was passed by the Deputy Collector, Land Reform, Lakhisarai in Land Dispute Resolution Case No. 72 of 2012-13 on 30.03.2013 but the respondents are not complying the said order forcing him to prefer the writ petition.

8. The respondent Collector, Lakhisarai has filed affidavit and learned State counsel has taken this Court to



paragraph no.5 which read as follows:

*“5. That it is further submitted after obtaining the order dated 30.03.2013 in BLDR Case No. 72/2012-13 the petitioner present an application to execute the order dated 30.03.2013 which was registered vide Case No. 07/2013, in which the then DCLR Lakhisarai issued vide Letter No. 643 dated 22.11.2013 to comply the order dated 30.03.2013. It is worthwhile to state here that a Title Suit vide No. 49/2008 Shiv Kumar Sharma & others Vs Mostt. Kaimunnisha & others is pending in the court of Sub-Judge-1<sup>st</sup>, Lakhisarai. In the aforesaid Title Suit the entire area of Khata 61, Khesra 31 decimals in detailed in schedule 1 of the fact of Title Suit 49/08, not only before the DCLR Lakhisarai in BLDR proceeding but also before this Hon'ble Court. It is a settle principle of law that the suppression of material facts amount fraud and a judgment or decree obtained by placing fraud on the court is nullity and nonest in the eye of law. Such a judgment or decree can*



*be treated as nullity by every court whether superior or inferior. It can be challenged in any court even in a collateral.”*

9. A Title Suit is pending between the parties, in between, the aforesaid Land Dispute Resolution Case is/was filed. There is nothing on record to show that the said facts were placed before the Deputy Collector, Land Reforms, Lakhiairai when the order in question came to be passed, the State has taken a plea that any order which has been procured by suppressing material facts amounts to a fraud and in that background, the same was rightly not complied.

10. It is also to be noted that respondents 8 and 9 who have now been impleaded through the aforesaid Interlocutory Application were also not made party respondents in the present case despite the fact that they are contesting the Title Suit No. 49/2008 before competent Civil Court.

11. Learned counsel for the petitioner has nothing to submit on this point, this Court has recorded that despite pendency of Title Suit, an order was procured and for compliance of which, the writ petition has been filed. These facts of pending Title Suit neither was incorporated in the present writ petition nor the present respondents who have come



by way of Interlocutory Application were impleaded.

12. In the opinion of this Court, it is the frivolous petition, clearly, the facts were suppressed, in that background, no relief can be granted. Accordingly, the writ petition is dismissed with a cost of Rs.1,000/- to be deposited with District Legal Services Authority, Lakhisarai within a period of four weeks. Failure to deposit the cost, steps should be taken in accordance with law for the realisation of the amount.

**(Rajiv Roy, J)**

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