

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4802 of 2015

1. Md. Moshraf @ Batto and Anr son of Late Md. Zahoor
2. Md. Tajuddin @ Sk. Tajuddin, son of Late Md. Akhtar Both resident of village and P.O. dhanaura, Police Station- Rasulpur Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The D.C.L.R., Kahalgaon, Bhagalpur.
5. The C.O, C.D. Block Kahalgaon, Bhagalpur
6. The Officer-in-Charge, Rasulpur Kahalgaon, Bhagalpur.
7. The Sarpanch, Gram Katchery, Dhanaura, Police Station- Rasulpur Kahalgaon, Anchal Kahalgaon, Distr
8. Md. Sulaiman Son of Late Mohammad, Resident of village and P.O. Dhanaura, Police Station- Rasulpur Kahalgaon, District- Bhagalpur.
9. Md. Zainul Islam
10. Md. Ainul
11. Md. Saleem All sons of Late Md. Reyasat
12. Md. Alim
13. Md. Bechan Both son of Late Md. Akhtar
14. Md. Istekhar
15. Md. Jahangir Both son of Md. Alim Resident of village and P.O. Dhanaura, Police Station- Rasulpur Kahalgaon, District- Bhagalpur.
16. Md. Maqbool
17. Md. Seraj Both son of Late Md. Gullo
18. Md. Ashraf son of Late Md. Zahoor
19. Md. Mokarram son of Sk. Tajuudin
20. Md. Mofeed son of Muslim
21. Md. Jamsheer son of Late Md. Arshad
22. Md. Muntasir son of Late Md. Jamseer SI. no. 16 to 22 resident of village- Bansapati, P.O. Nandlal, Police Station- Kahalgaon, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate
For the Respondent/s	:	Mr. Mrigundra Kumar, AC to GP-20
For the Resp. No. 8	:	Mr. Raghis Ahsan, Sr. Advocate



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-01-2026 Heard the parties.

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

“(i) For issuance of a writ of certiorari or any other appropriate writ, order or direction for quashing the order dated 19.04.2014 in Bhagalpur Misc. (B.L.D.R.) Appeal Case No. 208 of 2013-14 passed by the Divisional Commissioner, Bhagalpur by which he without any jurisdiction has most arbitrarily & quite malafidely declared the petitioners homestead land as Govt. land and further directed the Anchaladhikari/ C.O., Kahalgaon to remove encroachment.

(ii) For issuance of an appropriate writ, order or direction commanding the respondents from interfering in the peaceful possession & occupation of petitioners in respect of the land-in-question.

(iii) For issuance of an appropriate writ, order or direction for grant of ad-interim stay of the operation of impugned order dated 19.04.2014



(B.L.D.R.) Appeal No. 208 of 2013-14 passed by Divisional Commissioner, Bhagalpur contained in Annexure-1 of the writ petition.

(iv) For issuance of an appropriate writ, order or direction for grant of any other relief or reliefs which may be deemed fit and proper in the facts and circumstances of the case.”

3. A counter-affidavit has come on behalf of the respondent no. 8 after due service of copies to all the parties and the learned Senior counsel for the respondent no. 8 has taken this Court to paragraph-4 to show that a Title Suit No. 832 of 2013 relating to multiple relief including the relief sought for in the writ petition is pending before a competent Civil Court and this fact was suppressed by the petitioner while filing the writ petition.

4. There is no rebuttal to the said counter-affidavit filed in the year 2018. Upon query, it has been informed by the parties that the said Title suit is still pending before the competent Civil Court.

5. Without observing anything on the submission of the learned counsel for the respondent no. 8 that there is suppression of fact in the writ petition, allowing the parties to



agitate the matter before the competent Civil Court, the writ petition stands disposed of.

6. It goes without saying that the Title Court will be passing an order independent of any observation made by any of the Court relating to the present case.

(Rajiv Roy, J)

Adnan/-

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