

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16186 of 2023

- 1.1 Krismohan Tripathi, Son of Late Radha Raman Tiwari @ Radharamn Tiwari (Son of Deceased).
 - 1.2 Gita Devi, Wife of Late Madanmohan Tiwari (Daughter-in-Law of Deceased).
 - 1.3 Rajnish Tiwari, Son of Late Madan Mohan Tiwari (Grandson of Deceased).
 - 1.4 Manish Tripathi, Son of Late Madan Mohan Tripathi (Grandson of Deceased).
 - 1.5 Patanjali Tripathi @ Patanjali Kumar Tripathi, Son of Late Madan Mohan Tripathi (Grandson of Deceased).
- All aforesaid are resident of Village Parsauni, Manjhariya, Ward No. 10, P.S.- Bhairoganj, District- West Champaran.”
2. Rakesh Tiwari, S/o Late Radha Raman Tiwari, Resident of Village- Parsauni, Manjhariya, P.S. - Bhairoganj, Dist. - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The Collector, West Champaran, Bettiah.
3. The Deputy Collector Land Reforms, Bagaha - 1, West Champaran.
4. The Circle Officer, Bagaha - 1, West Champaran.
5. Binod Pati Tiwary, Son of Late Biswanath Pati Tiwary, Resident of Village - Manjhariya, P.S. - Bhairoganj, Bagaha - 1, Distt. - West Champaran.
6. Ajay Pati Tiwary, Son of Late Biswanath Pati Tiwary, Resident of Village - Manjhariya, P.S. - Bhairoganj, Bagaha - 1, Distt. - West Champaran.
7. Sunil Pati Tiwary, Son of Late Biswanath Pati Tiwary, Resident of Village - Manjhariya, P.S. - Bhairoganj, Bagaha - 1, Distt. - West Champaran.
8. Lal Saheb Mishra, S/o- Late Daroga Mishra, Resident of village - Parsauni, Manjhariya, P.S. - Bhairoganj, Dist. - West Champaran.
9. Baijnath Chaudhary, S/o - Nichhattar Chaudhary, Resident of village - Parsauni, Manjhariya, P.S. - Bhairoganj, Dist. - West Champaran.
10. Kiran Devi, W/o - Ripu Pati Tiwari, Resident of village - Parsauni, Manjhariya, P.S. - Bhairoganj, Dist. - West Champaran.
11. Pradeep Ram @ Pradeep Kumar, S/o Harendra Ram, resident of village - Mehadi, P.S. - Chautarwa, Dist. - West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate
Mr. Shahbaz Alam, Advocate



For the Respondent/s : Mr. Girish Pandey, Advocate
Mr. Ali Ahmad, Advocate
Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-04-2026

I.A. No. 01 of 2025

The aforesaid Interlocutory Application has been preferred for deleting/expunging the name of the petitioner no. 1, namely Padmavati Devi who died on 25.06.2025 with the legal heirs as follows:-

“(i) Krismohan Tripathi, Son of Late Radha Raman Tiwari @ Radharamn Tiwari (Son of Deceased).

(ii) Gita Devi, Wife of Late Madanmohan Tiwari (Daughter-in-Law of Deceased).

(iii) Rajnish Tiwari, Son of Late Madan Mohan Tiwari (Grandson of Deceased).

(iv) Manish Tripathi, Son of Late Madan Mohan Tripathi (Grandson of Deceased).

(v) Patanjali Tripathi @ Patanjali Kumar Tripathi, Son of Late Madan Mohan Tripathi (Grandson of Deceased).

All are resident of Village Parsauni, Manjhariya, Ward No. 10, P.S.- Bhairoganj, District- West Champaran.”

2. The respondents have no objection.

3. In that background, I.A. No. 01 of 2025 is allowed.



4. Let the heirs of late Padmavati Devi (petitioner no. 1), as recorded above, be substituted in the writ petition.

5. Office to do the needful.

CWJC No. 16186 of 2023

6. Heard Mr. Amit Shrivastava, learned Senior counsel for the petitioners duly assisted by Mr. Shahbaz Alam and Mr. Arif Daula Siddique for the State.

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

“(i) For the petitioners and the vendee (respondent No. 8 to 11) be protected at the cost of the state from being dispossessed from the land in question legally and validly held by them.

(ii) For the private respondents be restrained in making attempt to dispossess the petitioners and the vendee (respondent No. 8 to 11) from the land in question without any authority of law.

(iii) To pass such other order/orders and/or direction/directions as may be deem fit and proper to secure the ends of justice.”

8. The petitioners claim that they are in possession of the land in question for the last one century but time and again,



through different means, the respondents try to take possession of the land and in continuation of that, the Bagha (Bhairoganj) P.S. Case No. 413 of 2023 has been lodged under appropriate sections on 13.06.2023.

9. Learned State counsel submits that when the case of the petitioners is/are that they are in possession of the land and an FIR has been lodged, if they have any apprehension as made in the prayer should have approached the Police Authority/Sub Divisional Magistrate instead of approaching Patna High Court.

10. This Court finds force in the submission of the learned State counsel. If the family has any apprehension/criminal intimidation, the appropriate course is Police/Administrative Officials and not the Patna High Court.

11. At this Stage, learned Senior counsel for the petitioners submit that they shall be taking appropriate steps in accordance with law.

12. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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