

(2019) 07 PAT CK 0248

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 4481 Of 2018

Madan Mohan Jha

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0248

Hon'ble Judges : Jyoti Saran, J;Partha Sarthy, J

Bench : Division Bench

Advocate : Vasudeo Ram, Md. Khurshid Alam

Final Decision : Dismissed

Judgement

Heard Ms. Anju Mishra, learned counsel for the petitioner and learned counsel for the State and having considered the submissions advanced and bearing note of the pleadings on record, we are satisfied to record that the private respondents herein are unnecessarily being chased by disgruntled elements even after a series of challenge on their possession over plot bearing Plot No. 1044 of Khata no. 317 in Mauja Hirni in the district of Darbhanga has been rejected.

For the present, we refer to a Single Judge's order passed on a Criminal Writ Jurisdiction Case No. 1114 of 2007 in consideration of the challenge to such possession which was rejected on 18.03.2019. This was followed by a decree in a title suit relating to the same plot bearing Title Suit No. 27 of 1999 initiated at the instance of one Upendra Paswan & ors. which suit was again dismissed by a judgment and decree dated 13.07.2009 at Annexure-6 of the counter affidavit filed by the private respondents and a further challenge before this Court for the same plot arising from CWJC No. 17335 of 2017 by one Hareram Chaudhary along with one Rudra Mohan Jha was again dismissed by a Co-ordinate Bench.

Though Ms. Mishra tries to distinguish the present writ petition in reference to the statement made in paragraph 12 of the writ petition but in our opinion, the attempt is only taken for rejection because the two plots which are now being

made a foundation for the challenge are carved out from survey plot no. 1044 itself in respect of which there is already a judgment and decree in favour of the private respondents and which continues to be in operation. We were in fact persuaded to impose cost on the petitioner for wasting precious time of this Court but restrain ourselves from ordering as such.

The writ petition is dismissed.