

(2018) 10 PAT CK 0034

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.18089 of 2018

Nirmala Devi @APPELLANT@Hash State of Bihar

Date of Decision : 11-10-2018

Acts Referred:

Citation : (2018) 10 PAT CK 0034

Hon'ble Judges : Jyoti Saran, J;Nilu Agrawal, J

Bench : Division Bench

Advocate : Tuhin Shankar, Rakesh Kr. Shrivastava, Vijay Shankar Upadhyay

Final Decision : Disposed off

Judgement

1. Heard the parties.

2. Petitioners claim to be purchasers of plots from a large piece of land bearing Khata No. 86, Plot No. 202/256 under Thana No. 133, Ward No. 2 in

the district of Rohtas through separate transactions, the details of which are present in paragraphs 4 to 7 of the writ petition. The vendor of the

petitioner Raj Kumar Dubey has deceased and his children are on record vide respondent nos. 7 to 12. In between the purchase and presently, a

dispute arose between the children and the respondent authorities in respect of the plot in question which led to filing of CWJC No. 3059 of 1997 but

much prior thereto, the petitioners had already transacted a portion of the land from the father of the respondent nos. 7 to 12, who are petitioners in

the said writ petition.

3. Be that as it may, the writ petition was allowed with direction to the district authorities not to interfere with the possession of those petitioners in

respect to the plot in question until they would take recourse to appropriate proceedings for acquisition of land. Some kind of interference came, which

gave rise to contempt application bearing MJC No. 884 of 2016 and during its

pendency the said petitioners donated 578 sq. ft. of land for the purpose of hospital.

Since this interference did not concern the present petitioners at any stage, they did not choose to participate in the proceeding but according to the petitioners it is after the disposal of the matter from this Court that at the instance of the private respondents who were petitioners of the said case and are children from the vendor of the petitioner Raj Kumar Dubey that the district authorities have started to interfere with the possession of the petitioners over the land in question by removing their structures.

4. Mr. Tuhin Shankar, learned counsel appearing for the petitioners while admitting that it is a dispute in between the petitioners and the private respondents submits that since, the district authorities including the Collector has stepped into the matter to cause interference with the peaceful possession of the petitioners over the properties in question that the writ petition is filed.

5. We may record that there is neither any notice issued in this regard nor any direction is given by the district authorities. Thus, except for the oral assertions of the petitioners, there is anything on record which would indicate any interference by the district authorities in the matter.

6. Be that as it may, that the representations have been filed by these petitioners before the Collector, Rohtas indicating their grievance and also praying not to interfere with their peaceful possession, for the present and in the nature of the dispute so raised, which, prima facie, appears private in nature, we deem it proper to direct the Collector, Rohtas to consider the grievance of the petitioners and dispose of the same in accordance with law.

In case, the district authorities have been a party to the dispute in between the petitioners and the private respondents he would accordingly take steps for resolution thereof.

7. The writ petition is disposed of with the directions above.

8. It is expected that the Collector, Rohtas will dispose of the matter within a period of three months from the date of receipt/production of a copy of this order.