

91-13
29/3/12

In The High Court of Judicature at Patna

(Civil Wr it Jurisdiction)

C.W.J.C.No. of 2012

Deo Narayan Yadav ----- petitioner

Vs.

The State of Bihar & ors. ----- Respondents

Dubt- Ortho Miscellaneous matter

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Synopsis

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That this writ petition has been filed for commanding the respondent no. 3 & 7 to give possession for the suit land pursuant to order passed by the Deputy collector land Reformation, Madhepura and circle officer Ghailar.

25.5.2001 - Title suit was dismissed by land, Mansif
Madhepura

26.5.11 - Title appeal no. 29/2001 was dismissed by the
Additional District Judge, Madhepura

19.12.2011
Deputy Collector land Reforms passed the order
Annexure-1

24.2.2012 Circle officer Ghailarh passed the order
Hence the writ petition.

In High Court of Judicature at Patna

(Civil Writ Jurisdiction)

C.A.J.C.No. of 2012

In the matter of an

application under Article

226 of the Constitution of

India

and

In the matter of

Deo Narayan Yadav s/o late Kameshwar Yadav, resident

of village- Chappa, p. s. Parmanandpur, o. p. Ghailan, Distt.

Madhepura ----- - petitioner

Vs.

1. The state of Bihar
2. The District Magistrate, Madhepura
3. The Superintendent of Police, Madhepura
4. The Sub-Divisional Officer, Madhepura
5. The Deputy Hq. Collector Land Reforms, Madhepura
6. The Circle Officer Ghailan, Distt.- Madhepura

7. The Officer Incharge Permanandpur (O.P.) , District-
Madhepura,

8. The Commissioner Koshi Division Saharsa

9. Nandoo Yadav s/o Late Darpi Yadav, resident of
village Ghopa, p.s. Permanandpur O.p., Distt. Madhepura

----- Respondents

To,

The Hon'ble Ms. Rekha M. Doshit the Chief Justice
of the High Court of Judicature at Patna and his companion
justices of the said Hon'ble Court.

The humble petition on
behalf of the above named
petitioner

Most Respectfully ^Sheweth:-

1. That this as an application for issuance of writ
in the nature of mandamus commanding the respondent
authority to give possession over the land pursuant to

order passed by the Deputy Collector Land Reforms,

Madhepura on 19.12.2011 and ever passed by the Circle

Officer Ghailan on 23.2.12 Pertaining to Khata no.

586, Khesra no. 4699 (old)

-4700 (old)

Khesra No.- 5725 (New)

~~5726~~ 5726 (New)

5727 (New)

Total area 1 Bigha, 14 Khatha, 14 Dhur

2. That following question of law are involved in

this writ petition which are as follows:-

I. Whether the petitioner is entitle for

possession for the suit land pursuant to under passed

by the Deputy Collector land Reforms ,Madhepura

,Circle Officer ,Ghailan.

ii. Whether petitioner is entitled for
POSSESSION OVER THE LAND since Title Suit no.2/97
was dismissed by court of Munsif ,Madhepura ?

iii. Whether Petitioner is entitled for possession
over the land since title appeal no.29/2000 was dismissed
by the learned Additional District Judge F.T.C.V Madhepur

3. That the ^Petitioner is citizen of India and
residing territorial Jurisdiction of the Hon'ble Court

4. That it is relevant to mention herethat the
respondent no.10 filed a title suit before learned
Munsif Madhepura which was dismissed on 25.5.2001

5. That It is relevant to mentione herethat the
respondent no.10 filed a title appeal no.29/2001
before Additional District Judge Madhepura which also
dismissed on 28 .5.2011 and confirm the right title
and possession of the ^Petitioner.

6. That the ^Petitioner filed a miscellaneous case

4.

no. 153/2011 before Deputy Collector land Reforms
Madhepura for possession over the land respondent no.5
the possession over the land and respondent no.5 given
a direction in favour of the petitioner regarding possession
cultivation of the land and given a direction to
respondent no. 6 to proceed a legal action against the
respondent no.19 if he has disturbed the petitioner.

A photo copy of the order dt.

19.12.11 is being annexed

herewith and marked as annexure-

1 to this petition.

7. That petitioner also filed a petition
before the Circle officer Chailarh respondent no.6
regarding possession of the about land and respondent
no. 6 given a direction that petitioner is entitled
for possession over the land and also given a
direction to the respondent no.10 to not disturb the

petitioner if he has taken possession over the land.

A photo copy of order dt.

24.2.22 is being annexed

herewith and marked as annexure-

2 to this petition.

8. That it is relevant to mention here that the respondent no. 10 is a man of criminal activity and having relation with criminal person of his locality .

9. That it is pertinent to mention here that petitioner ~~wanted~~ several times wanted to take possession over the land but due to criminal activity of the respondents no. 10 he has not taken possession till to day .

10 . That it is relevant to mention here that due to criminal activity of respondent no. 10 order of the Additional Collector land Reform, Machhapara and under of Circle officer , Ghailan has not been complied with

11. That with the facts and circumstances of the case a direction may be given to the superintendent of police, Madhepura to help the petitioner to take possession over the land.

12. That the petitioner has not find any petition in this regard and he has come for the ~~first~~ first time in this regard.

It is therefore, prayed that your lordships may be pleased to issue, Rule NISI calling upon the respondents as to why the relief sought for in the paragraph no.1 of the petition be not allowed after considering the show cause be pleased to make rule absolute in favour of the petitioner and against the respondents

and/ or

pass such other order/orders as your lordships

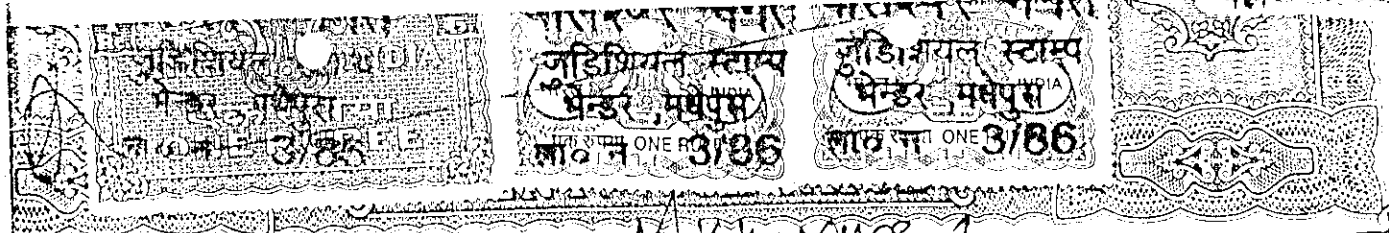
may deem fit and proper. pray.
and for this the petitioner shall ever

*

Affidavit

I Deo Narayan Yada aged about 62. s/o late Kapdeshwar
Yadav resident of village Ghopa ,p.s. ½Parmanandpur (p.p.)
Ghailan, Distt. Madhepura do hereby solemnly affirms and
state as follows.-

1. That I am petitioner in this case as such am well
acquainted with the facts and circumstances of this case
2. That the contents of this petition have been
read over and explained to me in Hindi which I have under
stood the same .The statement made in para nos. *1 to 5*
8 to 12 are true to my knowledge and those made in
para nos. *6, 7* are correct to my
information derived from the records of the case and rest
are by way of submission before this Hon'ble court.
3. That the annexure are true photo /type copy
of their respective original .



वेतन के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जब प्रतिनिधि के लिए तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
11/01/11	28/12/11	28/12/11	6/1/12	6/1/12

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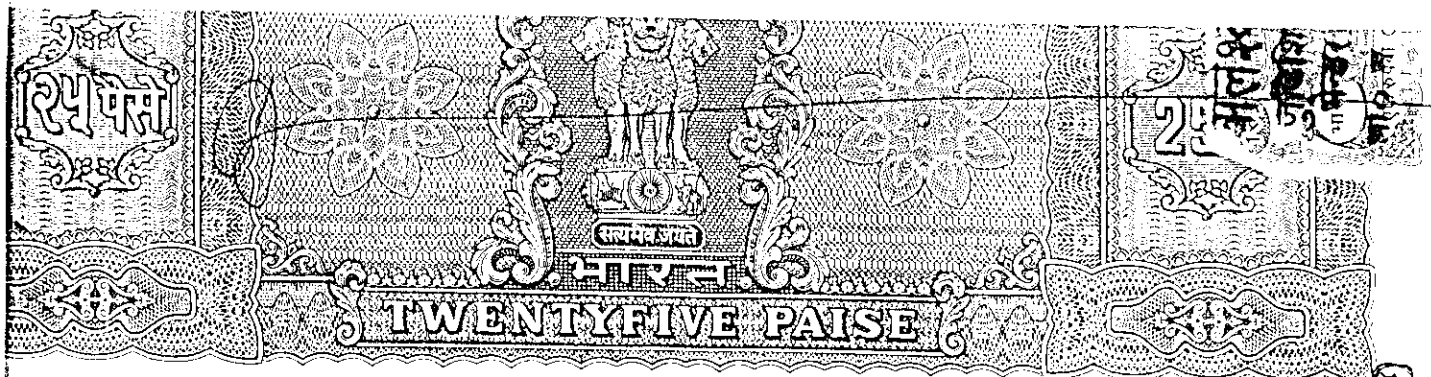
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11/11

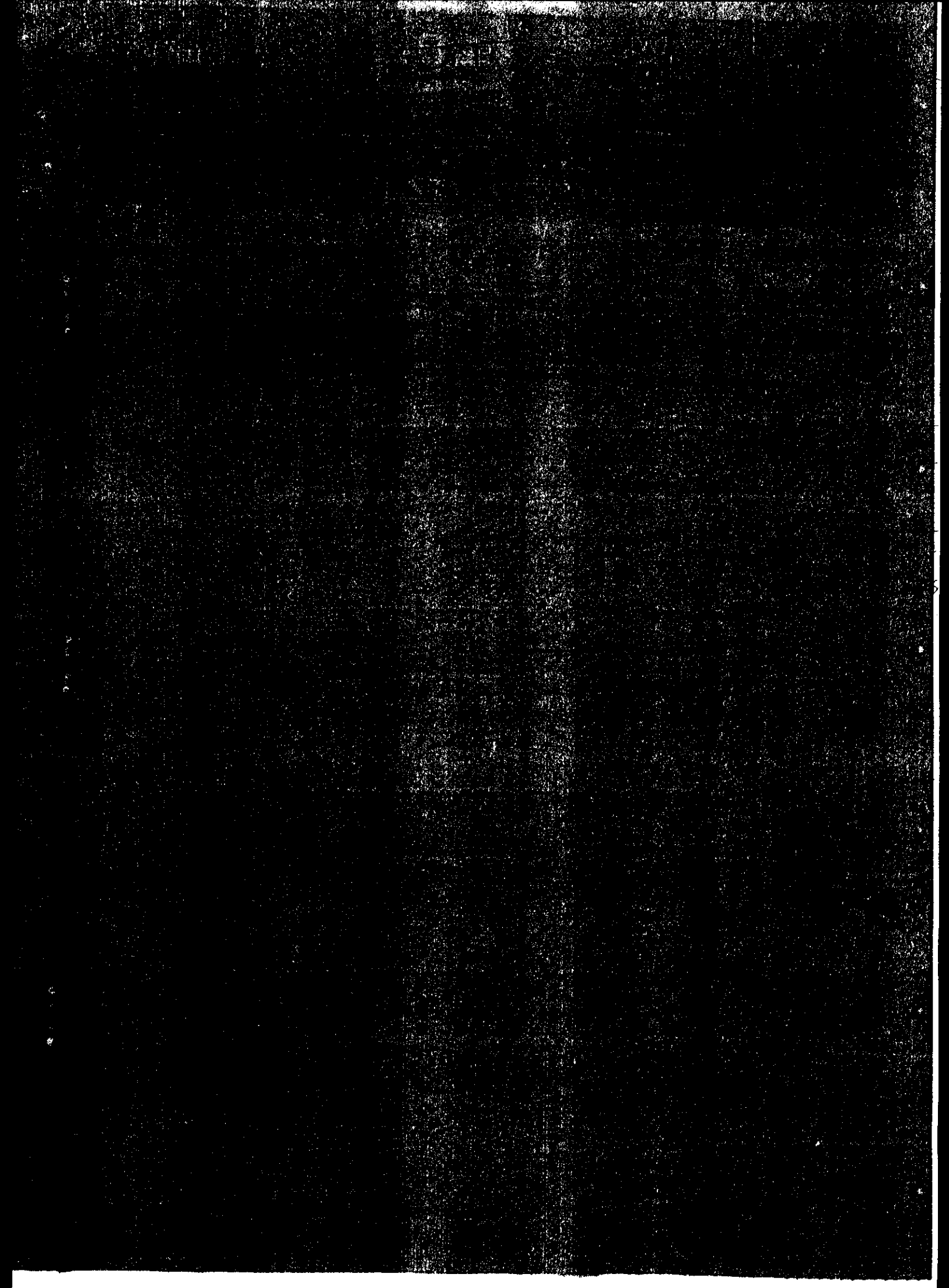
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संख्या - 556, 5725, 5726, 5727
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<p>पि के लिए आवेदन की तारीख of application for the copy.</p>	<p>स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.</p>	<p>अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.</p>	<p>तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.</p>	<p>आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.</p>
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को जमान, जमान मासिक कुसूरत जाह व
 एवं उरु वीर मरु विरुपुत्र जाह व
 अपर जाह व एवं सिद्धर जाह व
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 ही कसपर हकदार एवं हस्ताक्षर है
 में कायम जाह व जाह व जाह व
 जाह व नयाह को इस पर हस्ताक्षर है
 हेतु अधिन किजा जाह व इसके लिए वि.
 जाह व में मानोफ प्रोसि. जाह व
 दिवसी जाह व - 12/97 हाथर किजा वि.
 आवेक के पर में जमान हस्ताक्षर
 मानोफ प्रोसि. के अधिन के विरु. वि.
 जाह व के कापीय मानोफ जाह व
 मरुपुत्र के जाह व में दिवसी अपर
 जाह व एवं 29/11 हाथर किजा वि.
 हाथर 1991 के अनुवा. के जाह व
 दिवसी वि. जाह व का कापीय जाह व
 ही जाह व, जाह व कापीय के जाह व
 सुपुत्र को दिवा जाह व विरु. जाह व
 पञ्चान जमान को जाह व कावाह कल 19
 वि. है, पञ्चान पर के 31/11 जाह व
 जाह व में जाह व जाह व में जाह व
 कापीय को हाथर 21/5/11 जाह व 29/10



अंचल प्रशासन, वैसाह

सूचना

क्रमांक - 69-2
24/2/12

प्रति,

देवनाथराय शाह, मकान नं० 11 - 20 नं० - पोपा
बनाम

रामदेव शाह उर्फ नन्देव शाह

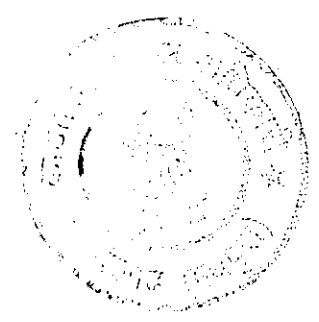
भूमि सुधार उप समिति, मधेपुरा का

ज्ञापक - 380-2 दिनांक - 19.12.11 के आदेश में
आदेश देवनाथराय को आदेश दिया जाता है कि
खता सं० - 586 खेयरा सं० पु० - 4699
4700

खेयरा सं० - नया - 5725
5726
5727

रकबा - 01 बिघा 14 कट्टा, 14 थुर पर खेयरा
कब्जा हेतु दिनांक - 29.02.12 को आवश्यक तैयारी
करेंगे।

बिपक्षी - रामदेव शाह उर्फ नन्देव शाह
को आदेश दिया जाता है कि उक्त खता-खेयरा की
जमीन पर वे अपना दावा, यदि है, तो इलाक़ में,
अन्वयात् माननीय भूमि सुधार उप समिति, मधेपुरा
के न्यायालय के आदेशों की अतमानता के आरोप में
अपन प्रत्येक कार्रवाई करवाएँ की जाएगी।



अंचल अधिकारी
वैसाह।