

IN THE COURT OF Civil Judge (Sr. Div.)-I, PIRO, BHOJPUR

Title Suit No. 202 of 2022

Dasai Mahto @ Narayan SinghPlaintiff

Versus

C.O. Charpokhari and othersDefendants

Sl. no.	Date of order of proceeding	Order with signature of the Court
1	2	3
19-07-2025	<p>Attendance is filed on behalf of both parties through ld. counsels. The learned counsel for the plaintiff pressed his petition dated 15-01-2025 praying to grant compensation of Rs. 10 lac against defendant no. 1 ie., C.O. Charpokhari on the ground that he has filed the suit for declaration of Scheduled A portion of the land as common passage on the basis of easementary right. He has further pleaded that inspite of pendency of the matter before the Court of law, defendant no. 1 forcefully disturbed the physical feature of the premise. It is further submitted on behalf of learned counsel for the plaintiff that the disputed premise was being used as a common passage and the passage has been closed because of which the plaintiff suffered economic and mental loss to the tune of Rs. 10 lac. He further argued that the injunction petition was pending before the Court even then in violation of established principle of law, the structure at the disputed premise was demolished in violation of law.</p> <p>Rejoinder has been filed on behalf of defendant with prayer to reject the petition on the ground that the petition is not maintainable and this suit is not liable to be proceeded for want of notice under Section 80 C.P.C. and the notice was served upon the plaintiff for demolision encroachment as a common public was facing difficulties. It has been further submitted that the said encroachment has been demolished as per law.</p> <p>Heard the learned counsel for the parties at length and persued the case record. From perusal of the case record it transpires that the plaintiff has filed this suit for declaration of Scheduled A portion of the land as common passage on the basis of easementary right. From persual of the record, it is clear that the plaintiff has given notice under Section 80 C.P.C. and thereafter, this suit has been admitted. In any case, if the defendant would have been adviced to challenge the maintainability on any ground whatsoever, he would have taken appropriate steps in accordance with law, but at this juncture the defendant is not supposed to challenge the maintainability. From persual of the record it is also clear that the injunction petition was filed on 09.10.2023 and the defendant was given last change on 07.05.2025 for filing rejoinder. the record was pending for the hearing on that petition but mean while it was informed to the Court supported with the photographs that in violation of the provisions of law especially, Section 52 Transfer of Property Act, 1882 and inspite of the fact that the matter was pending before this Court and hearing on the injunction petition was delayed due to non filing of rejoinder on behalf of defendants, the physical feature of disputed land</p>	

was changed at the behest of C.O. Charpokhari without permission of this Court and without having any authority of law. Such action of the C.O. Charpokhari appears to be whimsical, capricious, arbitrary and in violation of law.

Henceforth, C.O. Charpokhari is hereby directed to file personal show cause as to why the appropriate proceeding against him for recovery of the said compensation and other legal action be not taken in accordance with law. He is directed to submit show cause within ten days from the receipt of this order else this Court will presume that he has nothing to say in the matter and this court would be at liberty to proceed against him in accordance with law.

Let the copy of this order be sent to C.O. Charpokhari for compliance.

Put up on for further proceedings.

**Civil Judge (Sr. Div.)-I
Piro, Bhojpur.**