

## **In the Court of Sub Judge-II, Benipur**

Present:- Pranav Kumar Bharti

**Title Suit No.-66 of 2019, Registration No.-70/19**

*Ram Awtar Rai & Others vs. The State of Bihar & Others*

**Points for Determination(Issues)** :- As per the pleadings of the parties following issues have been framed/ settled for just decision of the suit -

- (1) Is the suit as framed and filed maintainable ?
- (2) Have the plaintiffs any right and cause of action to file this suit ?
- (3) Is the suit hit by the principle of estoppel, waiver and acquiescence ?
- (4) Is the suit barred by law of Limitation ?
- (5) Whether the suit is properly valued or the suit is hit by the provisions of the Court Fees Act ?
- (6) Whether the plaintiffs have any right and title over the suit land ?
- (7) Whether the executed by defendant 2<sup>nd</sup> party in favour of plaintiffs is legal, genuine, valid and operative ?
- (8) Whether the plaintiffs were in actual physical possession upon the schedule -II land of the plaint on the basis of registered sale-deed, dated-12.02.1990 from the time of purchasing till the acquisition by the State of Bihar for construction of Koshi Canal ?
- (9) Whether the preparation of Revisional Survey Khatiyani in respect to Schedule-II land of the plaint in the name of Anabad Bihar Sarkar during the course of Revisional Survey operation ?

P.T.O.

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(10) Whether the provisions of the Bihar Public Land Encroachment Act is applicable under the facts and circumstances of this case ?

(11) Whether the plaintiffs are entitled for getting compensation from State of Bihar through Defendant No.-3 for the acquisition of schedule-II land in plait for the construction of Koshi Canal by the State of Bihar or not ?

(12) Whether this suit is barred by the provisions of the Bihar Public Land Encroachment Act or not ?

(13) Whether this suit is bad for Misjoinder and Non-joinder of necessary parties ?

(14) Whether the plaintiff is entitled to get any other relief or reliefs ?



**Sub Judge-II, Benipur**

**Dated-22.09.2021**