

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5125 of 1994

=====

1. Md. Sheikh Idrish @ Md. Idrish, son of late Khurram Ali
2. Moinuddin @ Moinuddin Ahmed, son of late Subhan Ali
3. Sheikh Maqbul, son of late Kadir Bux
4. Sheikh Abdul Aziz, son of late Kadir Bux
5. Sheikh Siddique, son of late Kadir Bux
6. Sheikh Safiqul Haque, son of late Khairuddin.
Petitioner no. 1 and 2 residents of village Lagwa and petitioner nos. 3 to 6
residents of Village Madargachhi, P.S. Abadpur, District Katihar
..... Petitioner/s

Versus

1. The State of Bihar through the Collector, Katihar
2. The Sub Divisional Officer, Barsoi, District Katihar
3. The Deputy Collector, Land Reforms, Barsoi, District Katihar
4. The Circle Officer, Barsoi, District Katihar
5. Debuwa Roy, son of late Yogendra Roy
6. Sakalu Roy, son of Yogendra Roy
7. Sato Roy, son of late Basu Roy
Respondent no. 5 to 7 resident of Village Beluwa, P.S. Abadpur, P.O. Sankola,
District Katihar
8. Kamal Roy, son of Dhelu Roy, resident of Village Lagwa, P.S. Abadpur,
District Katihar.
..... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Singh, Advocate
Mr. Ray Saurabh Nath, Advocate
For the Respondent/s : Mr. Dinbandhu Singh, GP-9
Mr. Santosh Kumar, AC to GP-9

=====

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 09-04-2015

Notwithstanding the order passed by the Circle
Officer dated 29.01.1993, other orders in Land Settlement Case No.
23/92-93 and order dated 05.04.1994, passed by the Collector, Katihar
in Land Settlement Revision Case No. 519/93-94, Annexures-4, 5
petitioners claim that they have been in possession of the lands in
question as they auction purchased those lands in Execution Case No.

410/54 vide auction sale certificate, Annexure-1, order dated 14.06.1955, pursuant where to possession delivered to them on 15.06.1955 and petitioners filed Title Suit No. 48/79, which abated after consolidation proceeding was notified and thereafter the two orders, Annexures-4, 5 have been passed by the Circle Officer, Collector, Katihar.

2. Once the consolidation proceedings are over and if the findings recorded by the Consolidation Authorities are against the petitioners, they will be at liberty to file title suit and the finding of the Consolidation Authorities shall be subject to the findings recorded in the said title suit.

3. With the observation aforesaid, the writ petition is disposed of. Status quo regarding possession of the lands in question shall be maintained until institution/ disposal of the title suit.

(V.N. Sinha, J.)

Rajesh/-

U			
---	--	--	--