

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7365 of 1995

1. Singari Devi, wife of Late Chandradeo Singh
2. Deobarat Singh, son of Late Chandradeo Singh
3. Rajendra Singh, son of Late Chandradeo Singh

All residents of Village Tanakbar, PS Imamganj, District Gaya

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Gaya
3. The Additional Collector, Gaya
4. The Sub Divisional Officer, Sherghati, Gaya
5. The L.R.D.C. Sherghati, Gaya
6. The Anchal Adhikari, Imamganj Anchal, Gaya
7. Mahendra Paswan, son of Bishundhari Paswan
8. Narayan Bhuian, son of Nanhak Bhuian
9. Barhan Bhuian, son of Nanhak Bhuian
10. Bishu Bhuian, son of Ramkishun Bhuian
11. Satendra Paswan, son of nanhak Paswan
12. Baudh Bhuian, son of Barhan Bhuian
13. Jhaksu Bhuian, son of Jagdish Bhuian
14. Barat Bhuian, son of Nanhak Bhuian
15. Tebul Paswan, son of Bishundhari Paswan
16. Baisakhi Bhuian, son of Gyani Bhuian
17. Jatta Bhuian, son of Thiru Bhuian
18. Ramdhani Bhuian, son of Nanhak Bhuian
19. Kedar Bhuian, son of Kail Bhuian
20. Umesh Paswan, son of Gain Paswan @ Ram Paswan
21. Faguni Bhuian, son of Nanhak Bhuian
22. Dinesh Pasdwan, son of Main Paswan
23. Ganauri Bhuian, son of Karu Bhuian
24. Sita Paswan, son of Dhani Paswan
25. Babu Lal Paswan, son of Ram Briksh Paswan
26. Bansi Paswan, son of Dhani Paswan
27. Ram Lakhan Paswan, son of Rajpati Paswan
28. Awadhesh Paswan, son of Main Paswan

All residents of Village Tanakbar, PS Imamganj, District Gaya

.... Respondents

Appearance :

For the Petitioner/s : Mr. Praveen Prakash
For the Respondent/s : Ms. Nivedita Nirvikar (GA 10)
Mr. Avinash Kumar

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 07-05-2015



By earlier order dated 16.4.2015, this Court had put a query to the Counsel for the petitioners about the result of the proceeding which was filed under Section 106 of the B.T.Act and the matter was adjourned on the request of the learned Counsel for a week to enable him to revert back with appropriate instruction.

2. Today when the matter has been taken up for hearing, Mr. Praveen Prakash, learned Counsel who appeared on behalf of the petitioners, has submitted that no instruction could be received with regard to the status of the said proceeding.

3. Heard learned Counsel for the parties.

4. Learned Counsel for the State has submitted that in view of the submission made in para 21 of the writ application to the effect that a suit filed under Section 106 of the B.T.Act by the petitioner is still pending, this matter can be disposed of with the observation that the ultimate final outcome of the said proceeding would be binding on the parties with regard to the rights as claimed. Learned Counsel has submitted that by filing the present writ application the petitioners have called in question the settlement of the land in question made by the State Government to respondent nos. 7 to 28. It has been pointed out by the learned Counsel that the petitioners have claimed themselves to be settlees of the land in question from the State Government by earlier order and have further claimed that they have been paying rent and getting rent receipts from the State. It has been further pointed out that in the recent survey proceeding the land in question came to be recorded in the name of State of Bihar and on that basis the proceeding for



settlement of the said land in favour of respondent nos. 7 to 28 was started. It has also been submitted by referring to para 21 of the writ application that according to the petitioners the entry in the recent survey records of rights of the suit land in the name of the State of Bihar is wrong and against such entry the petitioners have filed Case No. 1070 of 1977 before the Revenue Officer, Gaya, Nawadah, Aurangabad which was a suit statutorily provided under Section 106 of the B.T.Act. In this backdrop, submission has been made that the result of the said suit would be binding and determinative of the rights of the parties and would be binding on the petitioners also.

5. Learned Counsel for the petitioners has raised no objection to the disposal of this writ application in view of pendency of the aforesaid suit (Case No. 1070 of 1977) under Section 106 of the B.T.Act as mentioned in para 21 of the writ application.

6. After careful consideration of the facts of the case and the submissions on behalf of the parties as well as the stand taken by the learned Counsel for the parties, this writ application is disposed of with the observation that the right claimed by the petitioners would be subject to the result and final outcome of Case No. 1070 of 1977 filed before the Revenue Officer, Gaya, Nawadah, Aurangabad under Section 106 of the B.T.Act.

7. The writ application stands disposed of.

(V. Nath, J.)

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