

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9701 of 1992

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Nageshwar Sahni & Ors

.... Petitioner/s

Versus

State & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Sanjay P. Verma, AC to GA 1

For the respondent No.22: Mrs. Sangeeta Sharma & Mr. R. K. Dubey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

8 23-02-2015 No one appears on behalf of the petitioners. Learned
counsel for the State as well as respondent No.22 are present.

The petitioners seek quashing of the order dated 11.08.1992 passed by the Commissioner, Saran Division, Chapra, respondent No.2, whereby, he has set aside an order dated 04.10.1988 passed by the Additional Collector in appeal No. 5/87 and has directed the Additional Collector to carry out the order of the Collector passed in the month of October, 1978.

From the pleadings in the writ application as well as the counter affidavit filed on behalf of private respondents, I am of the view that the issue involves serious disputed questions of fact which is beyond the scope of adjudication in a proceeding under Article 226 of the Constitution of India. The dispute also relates to title of parties over the property in question. Such matter cannot be

entertained in a proceeding under Article 226 of the Constitution of India.

This writ application is, accordingly, dismissed.

It goes without saying that the petitioners shall be at liberty to approach the appropriate forum for adjudication of their title over the property, if so advised.

(Chakradhari Sharan Singh, J)

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