

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17059 of 2008

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Sheo Shakti Kumar, son of late Baldeo Prasad, resident of mohalla-Tilha,
Mahavir Athan, P.S.-Civil Line, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The Deputy Collector Land Reforms, Sadar, Gaya.
4. The Circle Officer, Nagar Anchal Chandauti, Gaya.
5. Dr.Uma Shankar, son of Sri Sitaram Yadav, resident of mohalla-Chirya Tand, P.O.-Rampur, P.S.-Rampur, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. L.N.Das, Advocate
Mr. Amresh Kumar Sinha, Advocate
For the Respondent nos.1to4: Mr. Upendra Pratap Singh, AC to SC-25
For the Respondent no.5 : Mr.Rajendra Narayan, Sr.Adv.
Mr. Ashutosh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

11 06-08-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 17.07.2008/13.10.2008 passed in Misc.Case No.02/08-09 (Annexure-14) by the respondent D.C.L.R., Sadar, Gaya, whereby Jamabandi standing in the name of the writ-petitioner has been cancelled with respect to a piece of land bearing old khata no.45 corresponding to new khata no.132 appertaining to old plot no.491 corresponding to new plot no.714 situate at Mauza Chandauti in the district of Gaya. The petitioner is also aggrieved by the consequential order dated 27.11.2008 (Annexure-16) passed by the respondent Circle Officer, Sadar, Gaya, whereby, in the light of the order passed by the respondent D.C.L.R., lands in question has been mutated in favour of the respondent no.5.

Learned counsel appearing on behalf of the petitioner and learned senior counsel appearing on behalf of the respondent no.5, besides the learned State counsel, argued the matter at quite length, but finally both of them fairly conceded that with respect to the lands under dispute Title Suit No.12 of 2008 is pending before the learned Civil Court, Gaya in which the petitioner is plaintiff and the respondent no.5 is defendant no.1.

After having heard the parties and on consideration of the materials available on record, this Court is of the opinion that, in view of the pendency of the Title Suit between the parties with respect to the lands under dispute, interest of justice shall be sub-served, if the parties are granted liberty to raise all the issues in the pending Title Suit with respect to the lands under dispute. It is ordered accordingly. The judgment and decree passed by the learned civil court regarding the lands under dispute shall bind the parties.

However, till the matter is finally decided by the learned Civil Court, the parties are directed to maintain status quo regarding their possession over the lands in question as obtaining today.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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