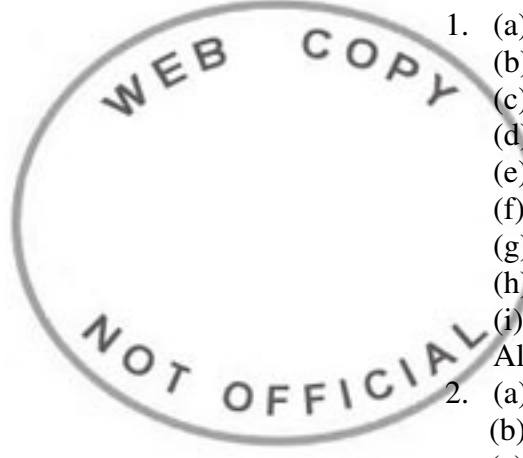


IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1357 of 1992



- =====
1. (a) Sumitra Devi wife of Late Krishna Prasad Rai
(b) Sanjeev Pd. Rai
(c) Ranjeet Pd. Rai
(d) Rajeev Pd. Rai
(e) Sanjay Kumar Rai
(f) Sabita Kumari
(g) Lalita Kumari
(h) Gyanika Kumari
(i) Neelu Kumari
All major sons and daughters of Late Krishna Prasad Rai
 2. (a) Shanti Devi wife of Late Balram Prasad Rai
(b) Manoj Kumar Rai
(c) Pankaj Kumar, both sons of Late Balram Prasad Rai
(d) Baby Devi, Wife of Anil Kumar
(e) Manju Kumari, Wife of Arbind Kumar
Both daughters of Late Balram Prasad Rai
 3. Umesh Prasad Rai
 4. Bijendra Prasad Rai
All sons of Late Ram Dharan Rai, resident of village-Bishanpur
Baldhari @ Balba, P.S. Hajipur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Director, consolidation, Bihar, Patna.
3. Deputy director, Consolidation, Vaishali
4. Consolidation Officer, Mahnar, Vaishali
5. (i) Ramesh Bhagat (expunged vide order No. 8 dated 06.07.2010)
 - a) Renu Devi daughter of Late Ramesh Bhagat and wife of Ashok Kumar
 - b) sanjay Suman
 - c) Ranjan Raman
 - d) Anju KumarAll one daughter and three sons of deceased Ramesh Bhagat
- (ii) Devendar Bhagat
- (iii) Dinesh Bhagat
- (iv) Suresh Bhagat.
All sons of late Laxmi Narayan Bhagat
- (v) Dularik Devi, wife of Chhatee Bhagat
- (vi) Sabitri Devi wife of Vivekanand Bhagat
- (vii) Beena Devi, wife of Ashok Bhagat
- (viii) Nila Devi, wife of Puncham Bhagat
All daughters of late Laxmi Narayan Bhagat

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
Mr. Ranjeet Kumar
For the State : Mr. Sushant Praveer, A.C. to S.C.-27

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 16-02-2015

The pleadings in the present writ application would show that there is dispute over title with respect to the land in question described as Survey Plot Nos. 19 and 20 measuring 13 Kathas and 12½ dhoors from west situated at village Purwa under Hajipur Anchal in the district of Vashali, which is said to have been carved out from the operation of Cadestral Survey Plot No. 11, between the petitioners and Respondent No. 5.

Claiming title over the property in question, admittedly, the petitioners had filed a Title Suit No. 135/66/87/75 in the Court of learned Munsif, Hajipur, Vaishali. The petitioner lost there and preferred appeal. The appeal stood abated by operation of Section 4(c) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter referred to as the 'Act') vide order dated 25.07.1978, passed by learned Additional District Judge, Hajipur, Vaishali. Learned counsel for the petitioners, on instructions from his clients, states that till date the village has not been denotified under Section 26(A) of the Act.

Considering the nature of dispute involved in the present writ application, I am of the considered opinion that it cannot be

adjudicated upon in a proceeding under Article 226 of the Constitution of India. It goes without saying that the petitioners shall have the remedy of pursuing their appeal, once the village is denotified under Section 26(A) of the Act.

With this observation, this application is disposed of.

(Chakradhari Sharan Singh, J.)

Saif/-

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