

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.759 of 1994**

- =====
1. Sitaram Mandal
  2. Raghu Nath Mandal
- Both sons of Late Brij Nandan Mandal, resident of Village Birrakh, P.S. Sursand, District Sitamarhi

.... .... Petitioners

Versus

1. The State of Bihar
2. The Joint Director of Consolidation, Bihar Muzaffarpur
3. The District Collector, Sitamarhi
4. Additional Collector, Sitamarhi
5. D.C.L.R., Pupari, Sitamarhi
6. The Circle Officer, Sursand Circle, Sitamarhi

----- Respondent Ist Set

7. Narmada Devi, daughter of Late Brij Nandan Mandal, wife of Mahendra Mandal, resident of Birrakt, P.S. Sursand, District Sitamarhi
  8. Sada Mohammad, son of Late Ajim Nut
  9. Farukh, son of Late Mamuddin
- Both residents of Village Birrakh, P.S. Sursand, District Sitamarhi
10. Shivchandar Mukhiya, son of Bindeshwar Mukhiya, resident of Village Baghari, P.S. Sursand, District Sitamarhi

.... .... Respondent 2<sup>nd</sup> Set

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**Appearance :**

For the Petitioner/s : Mr. Kumar Veerendra Narayan, Advocate

For the Respondent/s : Mrs. Nivedita Nirvikar, GA-X

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

ORAL JUDGMENT

**Date: 16-04-2015**

Heard learned counsel for the parties.

2. Petitioners claim themselves to be the settlee of the lands bearing plot nos. 1530, 1531 appertaining to khata no. 204 of village Birrakh from the ex-landlords of the said estate vide registered patta dated 25.05.1948. In the light of the settlement made in favour of the petitioners their name was mutated and rent receipt granted to them. The Consolidation Officer also recorded the lands in question in

favour of the petitioners under order dated 12.06.1976, Annexure-4, passed under sub-section (2) of Section 12 of the Consolidation Act, against which State of Bihar filed Revision Case No. 142/1993. Joint Director Consolidation, Bihar, Patna exercising his power under Section 35 of the Consolidation Act allowed the revision under order dated 12.12.1993, Annexure-12 holding that the settlement of the lands in question made in favour of the petitioners on 25.05.1948 by registered patta was prima facie to defeat the provisions of the Bihar Land Reforms Act, 1950.

3. Any finding recorded by the revenue authorities is always subject to the finding recorded by the competent civil court. Accordingly, while disposing of the writ petition, I grant liberty to the petitioner to file a civil suit before the competent court of civil jurisdiction for declaration of title and confirmation of possession over the lands in question on the basis of registered Patta dated 25.05.1948 and findings recorded by the learned Joint Director, Consolidation in his order dated 12.12.1993, Annexure-12 shall be subject to the result of the findings recorded by the competent court of civil jurisdiction. Status quo over the lands in question be maintained during the pendency of civil suit.

(V.N. Sinha, J.)

Rajesh/-

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