

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9888 of 1993

Surya Prasad Sahu & Ors

.... Petitioner/s

Versus

State & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : None

For the RespondentNo.5 : Dr. Mrityunjay Kr. Gautam
For the State Mr. Rakesh Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 20-05-2015

Following is the relief prayed for in the present writ application:

That this is an application for issuance of a writ in the nature of certiorari for quashing the order dated 16.05.93 passed by the Sub-Divisional Magistrate, Phulparas in Misc. Case No. “Abul Hassan Vs. Surya Narain Prasad Sahu and others”. Contained in annexure-6, by which the respondent no.5 is declared as Bataidar of Late Ramanand Suman father of Respondents no.6 and 7 and further declared the aforesaid Ramanand Suman, as the real owner of the land in dispute which belong to the petitioners and they have purchased the same by registered sale deed in the year 1962 and they are in peaceful possession of the same and also for issuance of an appropriate writ, order or direction, directing the respondents, not to interfere with the right, title and possession of the petitioners save and except in accordance with law.

Evidently there is dispute between the petitioners on the one hand and respondents no.6 and 7 on the other as regards their title over

the property in question with respect to which the respondent no. 5 has been held to be Bataidar of respondent nos. 6 and 7.

It is the case of the petitioners that respondent nos. 6 and 7 got themselves declared as Bataidar of Ramanand Suman father of respondents. 6 and 7 colussively where as , as a matter of fact the land under dispute belongs to the petitioners which they have purchased through registered sale deed executed in the year 1962.

The disputed question of fact as regards the title over the property cannot be adjudicated upon in a proceeding under Article 226 of the Constitution of India.

This application is accordingly dismissed. This goes without saying that dismissal of the writ application will not be a bar for petitioners to take recourse to law before appropriate forum or court by way of civil suit for adjudication of the dispute involved in the present case.

(Chakradhari Sharan Singh, J)

M.Rahman/-

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