

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1466 of 1996

(a) Mostt.Urmila Devi, wife of Late Ram Shankar Prasad, she is already party to writ application as Petitioner No. 5.

(b) Girish Kumar Sinha

(c) Ashim Kumar Sinha

(d) Ajay Kumar Sinha

(e) Ashutosh Kumar Sinha.

All sons of Late Ram Shankar Prasad.

(f) Renu Devi

(g) Kiran Kumari

(h) Kumud Kumari

(i) Kanak Kumari

(j) Shabnam Kumari

All daughters of Late Ram Shankar Prasad. All residents of Village-Khalikpur, Police Station-Surajgarha, District-Lakhisarai.

2. Sri Anil Kumar Sinha

3. Sri Arvind Kumar Sinha, sons of Late Satish Chandra Prasad Verma

4. Sri Alakh Kumar Sinha, son of late Ram Narayan Prasad

5. Smt. Urmila Devi, wife of Sri Ram Shankar Prasad

6. Smt. Prem Lata Devi, wife of Late Rishi Kumar Das

7. Sri Anjeet Kumar, son of Late Rishi Kumar Das

All are residents of Village-Khalikpur, Police Station-Surajgarha, District-Lakhisarai

.... Petitioners

Versus

1. The State of Bihar

2. Commissioner, Munger Division, District-Munger

3. Collector, Begusarai District-Begusarai

4. Additional Collector, Begusarai, District-Begusarai

5. Deputy Collector, Incharge Land Reforms, Begusarai, district-Begusarai

6. Circle Officer, Matihani Anchal, District-Begusarai

7. Collector, Lakhisarai, District-Lakhisarai

8. Deputy Collector, Incharge Land Reforms, District-Lakhisarai

9. Circle Officer, Surajgarha, District-Lakhisarai

10. Jai Prakash Mandal, son of Karu Mandal

11. Roshan Mandal, son of late Mano Mandal

12. Sheo Shankar Mandal, son of late Mahadeo Barai

13. Munshi Prasad Mandal, son of late Biro Mandar

14. Pankaj Kumar, son of late Ram Swaroop Mandar

15. Baldeo Yadav, son of late Khopari Yadav

16. Upendra Yadav, son of Kaileshwar Yadav

17. Bindeshwari Yadav, son of late Bansh Yadav

18. Nageshwar Yadav, son of late Bhaju Yadav

19. Angad Yadav, son of Dido Yadav

20. Radhe Mahto, son of late Yamuna Mahto

21. Yogendra Kumar Mahto son of late Sitaram Mahto

22. Naval Mahto, son of late Mathura Mahto

23. Ramcharitra Mahto, son of late Jagdish Mahto

24. Moti Singh, son of late Ramsharan Singh

25. Umashanker Singh, son of late Lakhan Singh
26. Shashi Kumar, son of late Ramprasad Yadav
27. Jai Kishore Mishra, son of late Satto Mishra
28. Arjun Poddar, son of late RamRup Poddar
29. Rajendra Tanti, son of late Prameshwar Tanti
30. Narain Tanti, son of late Punit Tanti
31. Rajendra Yadav, son of late Siboo Yadav
All are residents of Ketehar, P.S. Suryagarha, District-Lakhisarai
32. Dina Singh of of late Harkhit Singh, resident of Village Nanpur, P.S. Suryagarha, District-Lakhisarai
33. Sumran Singh, son of late Suraj Narain Singh, Resident of village Paharpur, Police Station Suryagarha, district Lakhisarai
34. Satyendra Singh, son of late Ishwari Pd. Singh
35. Nawal Kishore Mishra, son of late Yadu Mishra
36. Shankar Mishra, son of Deo Narain Mishra,
All residents of Village Katchar, P.S. Suryagarha, District-Lakhisarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Dvivedi, Sr. Adv.
Mr. Ranjan Kumar Dubey, Adv.
Mrs. Sangeeta Sharma , Adv.
Mr. Lokesh Chandra, Adv.
For the State Respondents: Mrs. Nivedita Nirvikar, G.A.-10
Mr. Deepak Kumar, A.C. to G.A.-10
For the Intervenor : Mr. Dronacharya, Adv.
Mr. Adeghesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 09-04-2015

The dispute relates to 95.70 acres of land appertaining to Khata Nos. 1 to 20, Tauzi No. 10283, situated in Village-Sundarpur Barari, Thana No. 23, Police Station-Surajgarha, District- Lakhisarai as per assertion of the petitioners in the writ application. However, the respondent authorities of the State feel otherwise. According to them, this land in question belongs to the district of Begusarai and these petitioners are illegally claiming a right with the object of taking away the benefit of settlement made in favour of certain landless or poor

section of the society.

The reason for the petitioners to approach the Court is the directive contained in Annexure-19, which is dated 04.01.1996 by virtue of which the Jamabandi created in favour of these petitioners have been ordered to be cancelled.

There is even an application for intervention. The petitioners are said to be the persons in whose favour the settlement has been made and it is their stand that the land belongs to district of Begusarai and not Lakhisarai.

Learned senior counsel for the petitioners submits that there are many many documents and many declarations from various forums including Civil Court and revenue courts in favour of these petitioners, those facts cannot be ignored in a causal fashion either by the Revenue Authorities of one district or the other.

There is also a counter affidavit filed on behalf of the Circle Officer, Matihani Circle, which is in support of the decision.

However, taking the totality of the evidence and material on record this issue cannot be decided one way or the other in a writ application. There are only two ways; such dispute can be settled, if the petitioners approach the Civil Court of competent jurisdiction for appropriate declaration or the two District Magistrates and Revenue Authorities visit the place, give hearing, examine the evidence of right

and title and thereafter take a decision and a mediation in this regard is done with an object of settling the dispute between the parties as the area in question probably are overlapping between the two districts of Lakhisarai and Begusarai.

The Court does not express any opinion on the merits of the claim of these petitioners or the other intervenors.

The writ application stands disposed of with above direction.

(Ajay Kumar Tripathi, J)

Vats/-

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