

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9545 of 1997

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Geeta Devi wife of Sri Dwarka Lal, resident of R.B.Road, PS-Kotwali at and District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Superintendent, Survey Settlement, Gaya
3. The Survey Settlement Officer, Gaya
4. Asha Malhotra wife of Sri Prem Lal, resident of Mohalla-Piprapati, Rang Bahadur Road, PS-Kotwali, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Sr. Adv.
 Mr. Bhola Kumar, Adv.
 Mr. Ashish Sinha, Adv.
For the Respondent/s : Mr. Krishna Kumar, Adv.
 AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-02-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is challenging the order of Survey Superintendent, Gaya dated 12th April 1994 passed in Appeal Case No. 112 of 1992.

The dispute with respect to the land appertaining Khata No. 89 (New), Plot No. 116(ka) (New) Area 15 arr.

Meera Devi original land holder wife of Jagdish Lakhaiyar who received the land through registered deed of gift dated 26th February 1986, a substantial block of land comprising the land of Plot No. 611(ka) Meera Devi sold the land to petitioner as well as to



Respondent No. 5. This new Khata No. 611(ka) has been created carving out the certain portion of land from the three plots, namely, Plot Nos. 7709, 7712 and 7713. It appears also that the petitioner purchased Plot No. 7712 whereas the private respondent, Asha Malhotra, purchased Plot No. 7709. The report submitted by the local Amin shows that 15 arr of plot No. 7709 has been amalgamated in plot No. 611 (ka) new and on that basis, the Survey Superintendent, Gaya directed to make necessary correction in the map adding 15 arr in favour of Asha Malhotra. Claim has been made before this Court by the petitioner that she has already constructed pakka house over the land, there is also a report of Amin in his favour and the Survey Superintendent, Gaya Appellate Authority has wrongly passed the order for making necessary correction in the map, it could have been done only by filing a suit.

This Court is not giving any opinion on the merit of the case. The State has disputed the claim of the petitioner and submitted that Survey Superintendent, Gaya has not decided the title but what he has done for making correction in the survey map on the basis of report of the Amin.

Entry made in the Revenue record does not create any right or to extinguish any right. The right title can be decided by properly constituted court.

This Court is giving liberty to the petitioner, if so advised, he may take a proper recourse by filing a suit before the civil court of competent jurisdiction and any entry made in the record of municipality will be subject to the outcome of the civil suit filed if any.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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