

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13759 of 2011

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Suresh Prasad Yadav S/O Garhu Prasad Yadav, R/O Vill.-Ghoshpur, P.S.-
Shambhuganj, Distt.-Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Banka.
4. The Additional Commissioner, Banka.
5. The Anchaladhikari, Shambhuganj, Banka.
6. The Revenue Assistant, Anchal Office Shambhuganj, Distt.-Banka.
7. Radhika Devi W/O Janardan Yadav, R/O Vill.-Ghoshpur, P.S.-
Shambhuganj, Distt.-Banka.
8. Mahendru Prasad Yadav S/O Late Baijnath Yadav, R/O Vill.-Ghoshpur,
P.S.-Shambhuganj, Distt.-Banka.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.6390 of 2012

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Suresh Prasad Yadav Son of Late Garhu Prasad Yadav, Resident of Village-
Goshpur, Police Station - Shambhuganj, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The Collector, Banka
4. The Additional Collector, Banka
5. The Deputy Collector Land Reforms, District- Banka
6. The Circle Officer, Shambhuganj, District- Banka
7. The Revenue Assistant, Anchal Officer Shambhuganj, District- Banka
8. Radhika Devi Wife of Janardan Prasad Yadav, Resident of Village-
Ghoshpur, Police Station - Shambhuganj, District- Banka
9. Mahendra Prasad Yadav Son of Late Baijnath Yadav, Resident of
Village- Ghoshpur, Police Station - Shambhuganj, District- Banka

.... Respondent/s

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Appearance :

(In CWJC No.13759 of 2011)

For the Petitioner/s : Mr. Rajib Ranjan Jha
For the Respondents No.1 to 6 : Mr. Abhimanyu Vatsa, AC to GA-9
For the Respondents No. 7 & 8: Mr. Ganpati Trivedi, Sr. Adv.
Mr. Madan Mohan

(In CWJC No.6390 of 2012)

For the Petitioner/s : Mr. Balram Kapri
For the Respondents No.1 to 7 : Mr. K.K. Singh, AC to GA-9
For the Respondents No. 8 & 9 : Mr. Ganpati Trivedi, Sr. Adv.
Mr. Madan Mohan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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23-09-2015

In both the writ petitions, issues of facts and law involved are identical and common; therefore, with the consent of the parties both the matters have been heard together and are being disposed of by this common order.

The petitioner, who is the same and common person in both the cases, has filed the aforesaid two writ petitions assailing the validity and correctness of the order(s) passed by the revenue authorities regarding mutation of the lands in question on various counts.

Before the matter could be argued on merits, learned senior counsel appearing on behalf of the private respondents namely, respondents no. 7 & 8 of CWJC No. 13758 of 2011 and respondents no. 8 & 9 of CWJC No. 6390 of 2012, has submitted that with respect to the lands in question the petitioner has himself filed Title Suit No. 87 of 2013, which is still pending before the learned Sub-Judge-III, Banka. It is submitted that the petitioner has sought a declaration of his right, title, and possession over the lands in question in the aforesaid title suit. It is pointed out that apart from above the petitioner, who is plaintiff in the aforesaid title suit, has sought a declaration that the orders passed by the revenue authorities are not binding upon him.

Learned counsel appearing on behalf of the petitioner of both the writ petitions have not disputed the aforesaid assertion made by the learned senior counsel appearing on behalf of the private respondents, rather they have admitted that the aforesaid title suit is still pending in the civil court, in which private parties of the present proceedings are parties in the aforesaid title suit.

In above view of the matter, both the writ petitions are

disposed of with a liberty to the parties to raise all the issues of facts and law, which may be available to them, with respect to the lands in question in the aforesaid pending title suit. The claim of mutation of the parties regarding the lands in question shall be dependent upon the judgment and decree passed by the civil court in the aforesaid pending title suit.

Let the photocopy of the plaint produced by the learned senior counsel appearing on behalf of the private respondents be kept on record.

Both the writ petitions stand accordingly disposed of.

(Birendra Prasad Verma, J)

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