

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20671 of 2014

=====

Bibi Asmati Saleha Khanam, D/o Choudhary Abid Hussain, w/o Hamid
Alam, resident of mohalla+P.O.+District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Katihar.
3. The Deputy Collector, Land Reforms, Katihar.
4. The Circle Officer, Mansahi, District-Katihar.
5. Bibi Saira Tabassum, wife of late Choudhary Azizul Hasan, resident o
Choudhary Mohalla, P.O.+P.S.+District-Katihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman
For the Respondent nos.1to4 : Mr. Harish Kumar, GP-32
For the Respondent no.5 : Mr.Daya Nand Singh
Mr.Sucheta Yadav

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-09-2015

Heard the parties.

The petitioner is aggrieved by the order dated 18.09.2014 (Annexure-4) passed in Mutation Revision Case No.215 of 2014 by the respondent Additional Collector, Katihar, whereby the aforesaid revision application filed on behalf of the petitioner has been dismissed and the orders passed by the original authority as also the appellate authority regarding mutation of the lands in question have been affirmed.

Evidently, the claim of the petitioner regarding the lands in question has been rejected by all the three revenue authorities, whereas, by recording concurrent findings of the facts, that of the respondent no.5 has been allowed. In paragraph 16 of the writ petition, it has been admitted that Title (Partition) Suit No.97 of 2014 has been filed by the petitioner regarding the lands in question, which is still pending before the learned Sub-Judge 1st, Katihar.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to raise all the issues of facts and law, which may be available to her with respect to the lands in question, in the aforesaid pending Title (Partition) Suit. In the aforesaid Title (Partition) Suit, since the respondent no.5 is also a party, therefore, she shall also be at liberty to raise all the issues of facts and law, which may be available to her with respect to the lands in question. Aforesaid Title (Partition) Suit shall be decided strictly in accordance with law on the basis of evidence/materials produced by the parties in support of their respective claims.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--