

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4059 of 2009

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Shashi Ranjan Prasad Mishra, son of Late Indradeo Mishra, resident of
Purkhotimpur Kaijiya, P.S. Vaini, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Samastipur.
2. The Collector, Samastipur, District Samastipur.
3. The Additional Collector, Samastipur, District Samastipur.
4. The D.C.L.R., Samastipur, District- Samastipur.
5. The Circle Officer, Pusa, District- Samastipur.
6. Sita Ram Thakur, S/O Late Bandlal Thakur, resident of village-
Jagdishpur Rani, P.S. Muffasil, Samastipur, District- Samastipur.
7. Mukhram Thakuar S/O Late Nandlal Thakur, resident of village-
Jagdishpur Rani, P.S. Muffasil, Samastipur, District- Samastipur.
8. Ibran Ahmad S/O Late Abdul Boham, resident of Village Chakle Vaini,
P.S. Vaini, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhubneshwar Prasad
For the Respondent No.1 to 5	:	Mr. Dev Kumar Pandey, AC to GP-6
For the Respondent no. 6 & 7:	:	Mrs. Madhuri Kumari
For the Intervenor	:	Mr. Ajay Kumar Thakur
		Mr. Imteyaz Ahmad

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 27-08-2015 Heard the parties.

The petitioner is aggrieved by the order dated 07.11.2008 (Annexure-5) passed in Mutation Revision Case No. 803 of 2005-06/ 77 of 2008-09 by the respondent Additional Collector, Samastipur, whereby the aforesaid revision application filed on behalf of the respondent no. 6 and others was allowed and the orders passed by the Anchal Adhikari, Pusa as also the D.C.L.R. Samastipur were reversed and set aside. By the aforesaid order, the respondent Anchal Adhikari was directed to create Jamabandi with respect to the lands under dispute in favour of the respondent no.6 and others.

Initially, learned counsel appearing on behalf of the



petitioner attempted to assail the validity and correctness of the impugned order on the ground of lack of jurisdiction/ power to the respondent Additional Collector, Samastipur in passing the impugned order by exercising his powers of revision. However, in view of the judgment by a Division Bench of this Court in the case of **Amarendra Kumar Singh vs. State of Bihar** [2011(3) PLJR 422] he concedes that an order passed by the Additional Collector cannot be legally faulted on the ground of lack of jurisdiction/ authority. Faced with the aforesaid situation, he next submits that with respect to the lands under dispute, the dispute between the parties is essentially that of right and title, which can be appropriately decided by a civil court of competent jurisdiction on the basis of evidence/ materials produced by the parties. Hence, he seeks permission to withdraw the present writ petition with a liberty to approach the civil court of competent jurisdiction for grant of appropriate relief(s).

Learned counsel appearing on behalf of the respondents have not raised any objection permitting the petitioner to approach the civil court of competent jurisdiction for grant of appropriate relief.

In the aforesaid facts and circumstances, the writ petition stands disposed of as withdrawn with a liberty to the petitioner to approach the civil court of competent jurisdiction for grant of appropriate relief.

If such a civil suit is filed on behalf of the petitioner within two months from today after impleading all the necessary parties, then the same shall be decided in accordance with law on the basis of evidence/ materials produced by the parties, but without being prejudiced/ influenced by any findings recorded

either in favour of the petitioner or in favour of the respondents by the revenue authorities in the impugned mutation proceedings regarding the lands in question.

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

(Birendra Prasad Verma, J)

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