

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12976 of 2009

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Sanjit Kumar Thakur son of Late Rasbihari Thakur, resident of P.O. and
P.S. Hisua, District- Nawadah

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Nawadah.
2. The District Magistrate, Nawadah.
3. The Deputy Collector Land Reforms, Nawadah.
4. Anchal Adhikari, Hisua Anchal, P.S.- Hisua, District- Nawadah.
5. Kali Sah son of Late Punna Sao, resident of Two Hisua, P.S.- Hisua,
District- Nawadah.
6. Sri Delip Kumar son of Late Dashrath Sao, resident of Two Hisua, P.S.-
Hisua, District- Nawadah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
Mr. Piyush Saurav
Mr. Chandan Priyadarshi

For the Respondent No.1 to 4 : Mr. Satyendra Rai, AC to SC-30

For the Respondent No.5 & 6 : Mr. Siya Ram Sahi
M/s. Shally Kumari

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 19-08-2015 Heard the parties.

By the impugned order dated 12.07.2009 (Annexure-11) passed in Case No. 42 (R) 2008/ 27 (R) 2009 by the respondent District Magistrate-cum- Collector, Nawadah, operation of the order passed by the respondent D.C.L.R. in Miscellaneous Case No. 2 of 2007-08 regarding mutation of the land in question has been stayed till final disposal of Title Suit No.214 of 1988 and Title Suit No. 145 of 1988 pending between the parties in the light of the observations and directions made earlier by a Division Bench of this Court by order dated 04.09.1989 passed in C.W.J.C. No.5615 of 1989 (Annexure-5).

Admittedly, dispute between the parties regarding mutation of the lands in question had travelled to this Court earlier

twice in C.W.J.C. No. 5615 of 1989 disposed of on 04.09.1989 (Annexure-5) and C.W.J.C. No. 429 of 2002 disposed of on 29.01.2002 (Annexure-8) and on both the occasions this Court had issued directions that the claim of mutation of the parties over the lands in question shall depend on the final out-come in the civil suit pending between the parties.

In view of the aforesaid observations and directions, during the pendency of the title suit between the parties, the respondent D.C.L.R., Nawadah was not justified in passing the order of mutation in favour of either parties. Apparently, respondent D.C.L.R. had passed order of mutation regarding the lands in question in favour of the petitioner ignoring two orders of this Court, as noticed above. That being the undisputed factual position, the respondent District Collector has rightly stayed the operation of the order passed by the respondent D.C.L.R. till decision by the civil court.

It is clarified that the claim of mutation of the petitioner vis-à-vis of the respondent no. 5 and 6 shall depend on the final out-come in the title suit pending between the parties.

With the aforesaid observations and directions, the writ petition stands dismissed.

(Birendra Prasad Verma, J)

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