

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11110 of 2010

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Ravi Ballav Chaturvedi S/O Late Uma Ballav Chaturvedi, R/O Vill
Mallehpur, P.S.Barhat, Distt-Jamui

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary,
Department of Land Reform Government of Bihar, Patna
2. The Collector, District Jamui
3. The Deputy Collector, Land Reform, District Jamui
4. The Circle Officer, Barhat Block, District Jamui
5. Rana Sanjay Singh S/O Late Dinesh Singh,
R/O Vill Mallhepur, P.S.Barhat, District Jamui
6. Shambhu Sharan Singh S/O Late Dinesh Singh,
R/O Vill Mallhepur, P.S.Barhat, District Jamui
7. Shiv Kumar Singh S/O Late Dinesh Singh,
R/O Vill Mallhepur, P.S. Barhat, District-Jamui
8. Rana Sunil Kumar Singh S/O Late Dinesh Singh,
R/O Vill Mallhepur, P.S. Barhat, District-Jamui
9. Ramesh Singh S/O Kamlesh Singh,
R/O Vill Mallhepur, P.S.Barhat, District-Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md.Helal Ahmad, Advocate
For the Respondent 1 to 4 : Mr. Ratan Deep Prasad, AC to AAG XI
For the Respondent Nos.5 to 9 : Mr.Shashi Shekhar Dwivedi, Sr.Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 21-08-2015

Heard the parties.

2. The matter at issue is the dispute regarding correction of Jamabandi in favour of the private respondents with respect to the lands under dispute detailed in the impugned orders.

3. On the basis of recommendation made by the Anchal Adhikari, Barhat, by impugned order dated 29.12.2004 (Annexure-1) passed in Jamabandi Correction Case No. 17 of 2004 by the respondent DCLR, Jamui, jamabandi has been created in favour of the private respondents with respect to the lands of Khata no. 248. The order passed by the respondent DCLR has

been affirmed by the respondent District Collector, Jamui in Jamabandi Correction Revision No. 01 of 2005 by order dated 19.09.2009 (Annexure-2).

4. After having heard learned counsel appearing on behalf of the parties at some length and on going through the materials available on the record, this Court finds that the dispute between the petitioner viz-a-viz respondent nos. 5 to 9 with respect to lands under dispute is essentially the dispute of right and title. Unless and until issues of right and title of the parties regarding the lands in question are conclusively decided by a civil court of competent jurisdiction, dispute of possession on the basis of mutation or creation of jamabandi or cancellation of jamabandi shall keep on vacillating. For resolution of the dispute once and for all, the right and title of the parties over the lands in question are required to be decided by a civil court of competent jurisdiction.

5. In above view of the matter, if the petitioner, being aggrieved by the impugned orders passed by the revenue authorities, approaches the civil court of competent jurisdiction by filing an appropriate civil suit for grant of appropriate relief(s) within a period of three months from today after impleading all necessary parties including private respondent nos. 5 to 9, it shall be decided in accordance with law on the basis of the evidences/materials produced by the parties in support of their respective claims, but without being prejudiced or influenced by any finding recorded by the revenue authorities with respect to lands under dispute either in favour of the petitioner or in favour of the respondent nos. 5 to 9 in any order including the impugned orders dated 29.12.2004 and 19.09.2009 (Annexures- 1 and 2).

6. The parties shall be at liberty to raise all the issues of facts and law with respect to their right, title and possession over the land in question which may be available to them.

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

(Birendra Prasad Verma, J)

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