

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7579 of 1995

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1 Binda Mahto
2 Shyam Kumar Mahto, sons of late Bhuvneshwar Mahto, residents of Village –
Ranauli, PS – Bathnaha, District - Sitamarhi

.... Petitioner/s

Versus

1 The State of Bihar
2 Consolidation Officer, Bathnaha, Sitamarhi
3 Assistant Director, Consolidation, Sitamarhi
4 Joint Director, Consolidation, Muzaffarpur
5 (i) Baso Devi @ Basomati Devi, wife of late Joginder Mahto
(ii) Suresh Mahto
(iii) Dinesh Mahto
(iv) Bahadur Mahto
(v) Ritesh Kumar
(vi) Rupesh Kumar
(vii) Smt Nagma Devi
(viii) Smt Babni Devi

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7 Sarswati Devi, wife of late Ramnandan Mahto
8 Manish Kumar
9 Rajoo Kumar, sons of late Ram Nandan Mahto
10 Smt Punam Devi
11 Smt Nutan Devi
12 Smt Rina Devi, daughters of late Ramnandan Mahto

.... Respondent/s

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For the Petitioner/s : N O N E
For Private Respondent/s : N O N E
For the S t a t e : Mr Narendra Kumar Singh, AC to GP II

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 21-05-2015

No one appears for either the petitioners or the
contesting respondents. State Counsel is present.

2 Learned counsel for the State draws attention of this
Court to the order dated 06.03.2014 and submits that in view of the

observations contained in the said order, the writ petition itself is not to be entertained.

3 It appears that IA No 1263 of 2014 was filed by the petitioners for restraining respondents No 7 to 12 from alienating the land which is subject matter of dispute. After hearing the parties, this Court was of the view that the dispute appears to be between heirs of original petitioner No 1 and original petitioners No 2 and 3. Heirs of original petitioner No 1 had been transposed as respondents No 7 to 12. Also in the disputes are involved the other private respondents. This Court held that seeing the nature of dispute, it would be better if the parties move before the Civil Court of competent jurisdiction to get their right, title and interest decided. In summary proceedings before consolidation authorities, such decision was not possible.

4 In view of the aforesaid, which fact remains unchallenged, it would not be appropriate for this Court to interfere at this stage rather the parties, if they are still in dispute, would be at liberty to move the Civil Court of competent jurisdiction and get their rights declared once and for all.

5 With the aforesaid observation, the writ petition stands disposed of.

M.E.H./-

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(Navaniti Prasad Singh, J)