

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15763 of 2010

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Sidheshwari Kumar Singh @ Sidheshwari Prasad Singh S/O Late Dindayal
Ram R/O Mohalla- Chhotaki Delha, P.S.- Delha, Distt.-Gaya.. Petitioner
Versus

1. The State Of Bihar
 2. The District Magistrate, Gaya, Distt.- Gaya
 3. The Sub-Divisional Officer, Sadar Gaya, Distt.- Gaya
 4. The Land Reforms Deputy Collector, Distt.- Gaya
 5. The Survey Superintendent Under Bihar & Orissa Municipal Survey
Act White House Area, Gaya, Distt.- Gaya
 6. The Circle Officer, Town, Gaya, Distt.- Gaya
 7. Binod Kumar S/O Late Kamaldeo Prasad R/O At Mohalla- Chhotaki
Delha, P.S.- Delha, Distt.- Gaya
 8. Manoj Kumar Yadav S/O Shyam Lal Yadav R/O At Mohalla- Chhotaki
Delha, P.S.- Delha, Distt.- Gaya
 9. Shankar Tiwari S/O Sri Krishna Tiwari R/O At Mohalla- Chhotaki
Delha, P.S.- Delha, Distt.- Gaya
 10. Santosh Kumar Sinha S/O Sri Baban Prasad R/O At Mohalla- Chhotaki
Delha, P.S.- Delha, Distt.- Gaya
 11. Krishna Prasad @ Jham S/O Sri Mannu Ram R/O At Mohalla- Chhotaki
Delha, P.S.- Delha, Distt.- Gaya Respondents
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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Respondent/s : Mr. (Ga3)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

12 14-07-2015 The petitioner prays for quashing the order dated

23.2.2010, passed by the Superintendent of Survey, Gaya in

Appeal no. 2004 of 2002 by which he has set aside order dated

24.10.2000 in Objection case no. 561 of 1999 and has directed

for preparation of record of right for Municipal plot no.

1780,1781 and 1782 in the name of State of Bihar with the

nature of land as “temple-cum-Sahan” and for recording of

illegal possession of the petitioner over Sikmi part “K” area

0075 acres of Plot no. 1780.

The facts of the case, in brief, is that the land in dispute

was the intermediary land of Maharaj Gopal Sharan. By registered settlement deed, the land was settled in favour of Rani Sayeeda Khatoon on 03.04.1930. In the year 1948, Rani Sayeeda Khatoon issued Parwana with respect to plot no. 8689 "K" in favour of Rajmati Devi, wife of Din Dayal Ram. The petitioner is one of the sons of Rajmati Devi. After vesting of Jamindari, fresh municipal plots were undertaken. A draft publication of the plots in question was made in favour of Rani Sayeeda Khatoon. The petitioner and his brothers filed objections being Objection Case No. 561 of 1999, which was allowed on 24.10.2000. The petitioner produced a number of documents in support of his case, namely, Jamindari rent receipts, return filed by the Jamindar, copy of Compensation case no. 16381 of 1964-65. Even possession was found in his favour. However, an appeal was preferred not by Rani Sayeeda Khatoon, but persons, who even were neither party to the objection nor had filed any objections, after two years, without even a limitation petition. The appeal was however allowed. The petitioner submits that the appellants did not file any objection, when the draft objection was invited. Furthermore, they were not found in possession. Learned counsel for the petitioner submits that even suit filed by one of the private respondents have been dismissed.

Counter affidavit has been filed on behalf of respondent no. 2 to 6. In paragraph 3 of the counter affidavit, they state that the dispute is between the petitioner and respondent nos. 7 to 11 with which these respondents have got no concern. Further, in paragraph 3 it has been stated that the matter relates to complicated question of title and the parties may agitate their grievances in the civil suit itself.

It appears that the Survey Superintendent, Gaya while allowing the objection case of the petitioner took into consideration a number of documents including Jamindari rent receipt return. Even possession was also found in favour of the petitioner. The appeal filed by respondent nos. 7 to 11 was too misconceived. In the result, the impugned order is set aside to the extent indicated above.

It goes without saying that the respective parties, if so advised, may file suit with respect to their right and claim over the plots.

(Samarendra Pratap Singh, J)

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