

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10647 of 1995

In the matter of an application under Articles 226 and 227 of the Constitution of India

1. Most. Phulsundari Devi, wife of Late Rabinandan Tiwary
2. Vidya Sagar Tiwary, son of Late Rabinandan Tiwary
3. Vijay Prakash Tiwary, son of Late Rabinandan Tiwary
4. Om Prakash Tiwary, son of Late Rabinandan Tiwary
5. Nirmal Tiwary, son of Late Rabinandan Tiwary

All residents of village Ashaparari, P.S. Simari, Dist. Buxar

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Buxar
3. The Additional Collector, Buxar
4. Subdivisional Officer, Buxar
5. Deputy Collector, Land Reforms, Buxar
6. Circle Officer, Semari, Dist. Buxar
7. Kedar Pandey
8. Shree Niwash Pandey
9. Brahmeshwar Pandey
10. Brajesh Pandey, all sons of Bishwanath Pandey
11. Prahlad Pandey
12. Dharendra Pandey
13. Dhrup Pandey, all sons of Janardan Pandey, residents of village Ashaparari, P.S. Semari, Dist. Buxar

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ram Shankar Pradhan, Sr. Advocate with
M/S Amrendra Narayan Rai, Jainendra Kumar, Advocates

For the State : Mr. S.A.Alam, S.C. 3 with Mr. Mahtab Alam, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 14-05-2015

Heard learned counsel for the petitioners and learned counsel
for the State. No one appears for the private respondents.

The petitioners seek quashing of the order dated 21.11.1995
passed in Mutation Revision Case No. 6 of 1995-96 by which the

revision case was dismissed upholding the order passed in Mutation Appeal Case No. 21 of 1993-94 by which the appeal was dismissed against the order passed in Mutation Case No. 6 of 1992-93.

The dispute in the present matter relates to a land bearing old Khata No. 57 of Mauja Saranga, P.S. Semri for an area 2.23 acres. The case being Mutation Case No. 6 of 1992-93 was filed by the original petitioner for mutating his name with regard to the disputed land as also other land situated in villages Saranga and Ashaparari. The claim of the petitioner was based on the assertion that the possession of the land was with the petitioner. All the three authorities have dismissed the case of the petitioner so far as the disputed lands are concerned. The authorities came to the conclusion that the predecessor of the opposite party Bhrigunath Pandey had filed a Money Suit No. 363 of 1952 which was decreed in his favour and in Execution Case No. 163 of 1953 the land in dispute was also purchased by him and sale was confirmed and delivery of possession was given to him by the court of Collector, Buxar. So far as the other questions of fact raised by the petitioner they were also decided against him.

This Court finds that the authority below at the stage of revision had decided the matter essentially on account of the decision of the civil court in the title suit as also on the basis of other

documents and papers after having considered the arguments raised and examined the documents filed by the parties.

In the said circumstances, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India would not interfere with such findings of fact by the authorities, that too, in a case of mutation when issue of title arises. The same has to be thrashed out by the party aggrieved by proceedings in the civil court.

In the aforesaid view of the matter, I am not inclined to interfere with the order passed by the revisional authority. The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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