

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21340 of 2012

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Veena Kuer Sinha, D/O Late Santlal Kuer, W/O Sri Ramnaresh Pd. Singh,
R/O Village- Gadhi Sisaiya, P.S.- Dalsinghsarai, Paragana Sraisa, District-
Darbhanga, At Present R/O Village- Saidpur Aka, P.S.- Gopalpur, Pargana
Chota, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Banka
2. The Collector, Banka
3. The Deputy Collector, Land Reforms, Banka
4. The Circle Officer, Dhoraiya, District-Banka
5. Madan Mohan Kuer S/O Late Santlal Kuer, R/O Village- Gadhi Sisaiya,
P.S.- Dalsinghsarai, Paragana Sraisa, District- Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey
For the Respondent nos.1to4	:	Mr. Sanjay Kumar, AC to SC-10
For the Respondent no.5	:	Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-10-2015 Heard learned counsel appearing on behalf of the petitioner, learned AC to SC-10 appearing on behalf of the respondent nos.1 to 4 as also learned counsel appearing on behalf of the respondent no.5.

The petitioner is aggrieved by the order dated 28.02.2001 passed in Mutation Revision Case No.66 of 1999-2000 by the respondent District Collector, Banka, whereby the aforesaid mutation revision case filed on behalf of the respondent no.5 has been allowed and the order passed by the respondent D.C.L.R., Banka has been reversed and set aside.

It appears that the petitioner happens to be the sister of the respondent no.5. There is serious dispute of title between the sister and brother regarding the lands in question. Though the impugned revisional order was passed in 2001, but the present writ

petition was filed on 09.11.2012 after a long delay of more than 11 years. The writ petition suffers from delay and laches and could have been dismissed on that ground alone. However, this Court is of the considered opinion that the nature of dispute between the petitioner and the respondent no.5 can be appropriately decided by the Civil Court of competent jurisdiction.

In above view of the matter, the writ petitioner is granted a liberty to approach the Civil Court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands in question.

If such a civil suit is brought by the petitioner within a period of three months from today after impleading all the necessary parties including the respondent no.5, then the same shall be decided strictly on the basis of the evidence/materials produced by the parties, but without being prejudiced/influenced by the findings recorded by the revenue authorities in the impugned mutation proceedings at the different level.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the Civil Court.

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

(Birendra Prasad Verma, J)

Arvind/-

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