

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13217 of 2013

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1. Sonamati Devi W/O Kesho Saw, resident of Village Bhadwar, P.S.-
Chandi, District- Bhojpur

2. Kesho Saw S/O Late Doma Saw, resident of Village Bhadwar, P.S.-
Chandi, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Bhojpur

2. Deputy Collector, Land Reform, Arrah Sadar

3. Circle Officer, Koilavar, Bhojpur

4. Suresh Prasad Mali S/O Late Sitaram Bhagat, resident Of Village + P.O.-
Bhadwar, P.S. Chandi, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate
Mr. Lakshmi Kant Tiwary, Advocate

For the Respondent No.4 : Mr. V.K.Sharma, Advocate
Mr.N.K.Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-11-2015 Heard the parties.

The petitioners are aggrieved by the order dated 29.03.2012 passed in Land Dispute Case No. 59 of 2011-12 by the respondent DCLR, Arrah Sadar, as contained in Annexure-3, whereby the aforesaid case filed on behalf of the respondent no.4 under the provisions of The Bihar Land Disputes Resolution Act, 2009 has been allowed with certain directions with respect to the lands under dispute. The petitioners are also aggrieved by the appellate order dated 14.03.2013 passed by the Divisional Commissioner, Patna, as contained in Annexure-1, whereby Land Dispute Appeal No. 294 of 2012 filed by the petitioner no.2 has been dismissed and the original order passed by the respondent DCLR, Arrah Sadar has been affirmed.

Though learned counsel appearing on behalf of the

petitioners and the learned counsel appearing on behalf of the respondent no.4 argued the matter at some length with respect to their respective claims regarding lands in question, but finally both of them fairly conceded that with respect to the lands under dispute Title Suit No. 80 of 2009 has been brought which is pending in the court of learned Munsif III, Arrah, Bhojpur in which the petitioner no. 1 is the plaintiff and respondent no.4 is the defendant no.1.

In the aforesaid factual matrix, this Court is of the opinion that the judgment and decree passed by the Civil Court shall bind the parties with respect to the lands under dispute. Accordingly, it is directed that the aforesaid Title Suit No. 80 of 2009 shall be decided strictly on merits on the basis of the evidences/materials produced by the parties without being prejudiced/influenced by the findings recorded by the revenue authorities, which is the subject matter of challenge in the present proceeding. The petitioner no.2, if so advised, may also make a prayer for his impleadment as party in the aforesaid Title Suit.

The parties shall be at liberty to raise all the issues of fact and law, which may be available to them with respect to the lands under dispute in the aforesaid pending Title Suit.

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

(Birendra Prasad Verma, J)

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