

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2357 of 1999

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1. Md. Shahabuddeen
 2. Md. Jasiruddeen @ Nasiruddin
 3. Md. Tajuddeen
 4. Md. Reyajuddeen
 5. Md. Moinuddeen, all sons of Sukan Mian
 6. Idrish Mian, son of Sukan Mian
 7. Md. Hussain
 8. Md. Sayid
 9. Md. Dildar Hussain, 7 to 9 sons of Roja Mian
- All residents of Village Ufraul, P.S. Desari, District Vaishali

.... Petitioner/s

Versus

1. Joint Director of Consolidation, Muzaffarpur
2. Md. Abullah, son of Rahman Mian, resident of Village Ufraul, P.S. Desari, District Vaishali
3. Nagdeo Rai, son of Sukan Rai, resident of Village ----, P.S. ---, District Vaishali

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Naresh Chandra Verma, Advocate
Mr. Natraj Verma, Advocate
For the State : Mr. Sushant Praveer, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 30-07-2015

Heard learned counsel for the petitioners and the State. None appears for Respondent No. 2, although, a Vakalatnama has already been filed on his behalf.

2. It is submitted on behalf of the petitioners that the impugned order dated 04.09.1996, Annexure-2 was passed by the Joint Director, Consolidation, Muzaffarpur on the basis of cadastral survey khatian and plain copy of unprobated will. In appreciation of the two documents the lands in question has been directed to be recorded in the name of Respondent No. 2. It is submitted that in the

cadastral, revisional survey khatian the name of the ancestor of petitioners and the name of ancestor of testator of Respondent No. 2 is mentioned. The plain copy of unprobated will, will hardly have any evidentiary value, as such, the direction given under the impugned order dated 04.09.1996, Annexure-2 by the Joint Director, Consolidation, Muzaffarpur to make the entry of the lands in question in favour of Respondent No. 2 is required to be set aside.

3. Instead of setting aside the impugned order, Annexure-2, I observe that the findings recorded in the impugned order will be subject to the findings recorded by the competent civil court as regards title, possession over the lands in question. Until such finding is recorded by the competent civil court, the parties are directed to maintain status quo over the lands in question as existing on the date of filing of the writ petition.

4. With the observation aforesaid, the writ petition is disposed of.

(V.N. Sinha, J)

Rajesh/-

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