

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15964 of 2011

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Kapildeo Mishra, Son Of Late Raghunandan Mishra, Resident Of Village-
Budhaul, P.S., P.O. And Dist- Nawadah

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-Cum-Collector, Nawadah
3. The D.C.L.R, Nawadah
4. The Circle Officer, Anchal Nawadah, Dist- Nawadah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Respondent/s : Mr. Suresh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 03-09-2015

Heard the parties.

The petitioner is aggrieved by the order dated 16.05.2008 (Annexure-1) passed by the respondent D.C.L.R. Nawada, whereby the Jamabandi running in the name of so-called ancestors of the petitioner, with respect to the lands in question mentioned in the impugned order, has been cancelled. The petitioner is also aggrieved by the order dated 08.09.2009 (Annexure-2) passed by the respondent District Collector, Nawada, whereby the appeal filed by one Nawal Kishore Mishra, who is not a party in the present proceeding, has been dismissed and the order passed by the respondent D.C.L.R., Nawada has been affirmed.

Admittedly, the petitioner was not a party in the proceeding before the respondent D.C.L.R., Nawada. He did not file any appeal against the impugned original order passed by the respondent D.C.L.R., Nawada. The appeal was preferred by one Nawal Kishore Mishra, who has not been impleaded either as a

petitioner or the respondent in the present proceeding.

In above view of the matter, the petitioner has no valid cause of action with respect to the impugned orders passed by the authorities concerned.

At this stage, learned counsel appearing on behalf of the petitioner submits that Title Suit No.74 of 2003 has been filed by one Shambhu Mishra for declaration of his right and title with respect to the lands in question, which is still pending before the learned Sub-Judge 1st, Nawada. He further submits that the petitioner is a party in the aforesaid Title Suit. However, no such assertion has been made either in the main writ petition or in the supplementary affidavit filed on his behalf.

Be that as it may, since according to the learned counsel appearing on behalf of the petitioner Title Suit No.74 of 2003 is still pending in the Civil Court with respect to the lands in question in which he claims to be a party; therefore, the present writ petition is disposed of with a liberty to the petitioner to raise all the issues of facts and law, which may be available to him with respect to the lands in question in the aforesaid pending Title Suit.

The writ petition stands finally disposed of.

(Birendra Prasad Verma, J)

Arvind/-

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