

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18059 of 2009

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Chinta Devi, W/O Late Sachhidanand Jaiswal, R/O Vill- Kharik Bazar, P.S. Kharik, Distt. Bhagalpur (expunged vide order dated 11.05.2015 and substituted by her following heirs and legal representatives)-

(i) Prameet Jaiswal

(ii) Manoj Jaiswal

Both sons of late Sachhidanand Jaiswal, residents of village-Kharik Bazar, P.S.-Kharik, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Bhagalpur
3. Shri Sarwan Kumar Pansari, Additional Collector Bhagalpur
4. The Land Reforms Deputy Collector, Naugachia, Distt. Bhagalpur
5. The Circle Officer, Kharik, Distt. Bhagalpur
6. Balbanti Devi @ Balbanto Devi, W/O Late Kailash Yadav, R/O Vill-Dhoriya, P.S. Kharik, Distt. Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Respondent nos.1to5: Mr. Sanjay Pandey, GP-21

Mr.Vivek Anand Amritesh, AC to GP-21

For the Respondent no.6 : Mr.Ranjan Kumar Singh

Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 19-08-2015

Heard the parties.

The original writ-petitioner, who is now dead and has been substituted by her heirs, was aggrieved by the order dated 21.10.2009 (Annexure-8) passed in Mutation Revision Case No.07 of 2009-10 by the respondent Additional Collector, Bhagalpur, whereby the aforesaid Mutation Revision Case filed on behalf of the respondent no.6 has been allowed and the order passed by the respondent D.C.L.R. has been set aside.

Learned counsel appearing on behalf of the petitioners submits that the claim of mutation of the respondent no.6 has been allowed on the basis of a fake sale deed allegedly

executed in her favour. Therefore, according to him, the impugned order passed by the revisional authority for mutation of lands in question in favour of the respondent no.6 is not sustainable in law.

The matter has been contested by the private respondent no.6. Learned counsel appearing on behalf of the respondent no.6 submits that Title Suit No.31 of 2009 is pending between the parties before the learned Sub-Judge-I, Naugachia, Bhagalpur, in which the respondent no.6 as also the original writ-petitioner Chinta Devi are parties.

In view of the fact that with respect to the lands in question Title Suit is pending between the parties before the Civil Court, the petitioners are granted liberty to raise all the issues of facts and law regarding lands in question in the aforesaid pending Title Suit. It is directed that the said Title Suit shall be decided in accordance with law on the basis of the evidence/materials produced by the parties by the learned Civil Court, but without being influenced/prejudiced by any finding recorded by the revenue authorities in the impugned mutation proceeding either in favour of the writ petitioner or in favour of the respondent no.6.

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

(Birendra Prasad Verma, J)

Arvind/-

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