

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1981 of 2014**

=====

Dilip Narayan Chaudhary & Ors

.... .... Petitioner/s

Versus

Radha Krishna Choudhary @ Radha Prasad Chaudhary & Ors

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Jay Prakash Sharma

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

2 11-12-2015

Heard the learned counsel for the petitioners.

By the impugned order dated 10.07.2013 passed by Sub Judge I, Rosera in Title Suit No.97 of 2008, the Court below has held that because the suit lands are homestead land in view of the judgment of this Court, the suit will not abate under Section 4(b) or 4(c) of Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

The only grievance of the petitioners is that the suit lands are not homestead rather are agricultural lands.

From perusal of the impugned order, it appears that on perusal of various evidences i.e. documentary evidences which were filed as Annexures came to the conclusion that the suit land is homestead land.

Therefore, in exercise of supervisory jurisdiction, this Court cannot record any contrary finding after perusal of the

evidence. However, liberty is granted to the petitioners to raise this question as to whether the property involved in the suit is agricultural land and if such point is raised or evidence is adduced, the Court below shall consider the same at the time of hearing of the suit.

So far this writ application is concerned, it has got no merit and accordingly, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

Saurabh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|