

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18583 of 2008

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Anandi Prasad Bishwas son of late Mahagu Bishwas, resident of village
Maldwar, P.S. Palasi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar,
Patna.
2. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna.
3. The Additional Collector, Araria.
4. Ganga Prasad son of late Ruchi Lal Bishwas, resident of village
Maldawar, P.S. Palasi, District Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raddhey Shyam Prasad
Mr. Santosh Kr. Singh
Mr. Dhiraj Sagar.

For the Respondent/s : Mr. Rajesh Ranjan, AC to SC-31

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-04-2015 Heard learned counsel appearing on behalf of the
petitioner and the learned A.C. to SC-31 appearing on behalf of
the respondent no. 1 to 3.

By the impugned order dated 18.09.2008 (Annexure-1)
passed in Case No. 14 of 2007-08 by the respondent Additional
Collector, a direction has been issued for realisation of rent from
the respondent no.4 with respect to the lands under dispute.

From the averments made in the writ petition filed on
behalf of the petitioner as also from the consideration made in the
impugned order, it appears that there are disputes of right, title and
possession of the parties over the lands under dispute. The
petitioner as also the respondent no. 4, both lay their claims of
rights, title and possession over the lands under dispute by
referring to certain documents which cannot be effectively gone
into in a proceeding under Article 226 of the Constitution of India.

For the aforesaid reasons, the present writ petition has to fail and is, accordingly, dismissed.

However, the petitioner, if so advised, may approach the civil court of competent jurisdiction by filing an appropriate civil suit for grant of appropriate relief(s). If such a suit is filed by the petitioner, then the same shall be considered and decided on its own merit without being prejudiced by the rejection of the present writ petition and that suit shall be decided on the basis of the evidence/ materials produced by the parties irrespective of the findings recorded by the revenue³ authority in the impugned order.

(Birendra Prasad Verma, J)

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