

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11159 of 2013

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1. Parsuram Sah, S/O Late Kailash Sah
2. Bimala Devi, W/O Parsuram Sah
Both Resident of Village Bagahi, P.S. Itarhi District Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Buxar
3. Deputy Collector Land Reforms, Buxar
4. The Circle Officer, Itarhi, Buxar
5. Badri Prasad Sah, S/O Late Kailash Sah, Resident Of Village Bagahi P.S.
Itarhi District Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Pandey, Adv.
For the Respondent nos.1to4 : Mr. Md.Harun Qureshi, AC to SC-18
For the Respondent no.5 : Mr.Ram Chandra Singh, Adv.
Mr.Jitendra Kumar Singh, Adv.
Mr.Shankar Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 26-11-2015

Heard the parties.

The petitioners are aggrieved by the order dated 07.06.2012 passed in Mutation Revision Case No.133 of 2008 as also Mutation Revision Case No.134 of 2008 by the respondent District Collector, Buxar, as contained in Annexure-6 series, whereby the aforesaid two revision applications filed on behalf of the respondent no.5 were allowed with certain observations. The petitioners are also aggrieved by the consequential order dated 17.07.2012 passed by the respondent Anchal Adhikari, Itarhi in Misc.Case No.4 of 2012-13, as contained in Annexure-7 to the writ petition.

The learned counsel appearing on behalf of the petitioners as also the learned counsel appearing on behalf of the respondent no.5 have argued the matter at some length by referring to the averments made in the writ petition or the findings recorded by the revenue authorities in the impugned orders, which

are subject matter of challenge in the present proceeding, but finally it was conceded that Title Suit No.68 of 2007 at the behest of the respondent no.5 is pending in the court of learned Sub-Judge, Buxar with respect to several plots of lands including the lands under dispute.

The learned counsel appearing on behalf of the parties are also unanimous in their submissions that in the aforesaid Title Suit the respondent no.5 is the plaintiff and the present petitioners are the defendants, besides others.

In the aforesaid factual matrix particularly in view of the issue of right, title and possession raised by the parties with respect to the lands under dispute, this Court is of the opinion that the matter should be conclusively decided by the learned Civil Court in the aforesaid pending Title Suit No.68 of 2007 on the basis of the evidence/materials produced by the parties in support of their respective claims. It is ordered accordingly.

It is further ordered that, while deciding the aforesaid Title Suit No.68 of 2007, the learned Civil Court shall not be prejudiced/influenced by any findings recorded by the revenue authorities with respect to the lands under dispute, which are subject matter of challenge in the present proceeding.

The parties shall be at liberty to raise all the issues of facts and law with respect to the lands under dispute, which may be available to them, in the aforesaid pending Title Suit.

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

Arvind/-

(Birendra Prasad Verma, J)

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