

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10625 of 2015

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1. Umesh Sah, son of late Budhu lal Sah
2. Mahendra Sah, son of late Budhu lal Sah
3. Devendra Sah, son of late Budhu lal Sah
4. Sikindar Sah, Son of late Rambaran Sah
5. Chandan Sah, Son of late Rambaran Sah
6. Sukan Sah, Son of late Ramashish Sah
7. Naval Sah, Son of late Ramashish Sah
8. Ravindra Sah, Son of late Ramashish Sah
All resident of Village -Dhankaul, P.S.+Anchal -Patepur, District -Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. Deputy Collector Land Reforms, Mahua, District Vaishali.
4. Md. Ali Raja, son of Rafique Ahmed, resident of Village -Dhankaul, P.S.+Anchal- Patepur, District- Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma
For the Respondent nos.1to3 : Mr. Raju Giri, GP-30
Mr.Santosh Kumar Mishra, AC to GP-30
For the Respondent no.4 : Mr.Md.Anish Akhtar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-09-2015 Heard the parties.

The petitioners are aggrieved by the order dated 07.01.2015 (Annexure-7) passed in B.L.T. Case No.155 of 2014 by the learned Bihar Land Tribunal, Patna, whereby the aforesaid petition filed on behalf of the petitioners has been dismissed and the orders passed by the original authority as also the appellate authority have been affirmed.

In view of the nature of the claims raised on behalf of the petitioners with respect to the lands under dispute, this Court is of the opinion that unless and until the right and title of the petitioner over the lands under dispute is declared by a Civil Court

of competent jurisdiction the orders passed by the revenue authorities as also by the learned Bihar Land Tribunal, Patna cannot be legally faulted.

In above view of the matter, the petitioners shall be at liberty to approach the Civil Court of competent jurisdiction for grant of an appropriate relief particularly for declaration of their right and title over the lands under dispute.

If such a civil suit is filed on behalf of the petitioners, after impleading all the necessary parties including the respondent State of Bihar and its functionaries as also the respondent no.4, then the same shall be decided strictly in accordance with law on the basis of the evidence/materials produced by the parties, but without being influenced/prejudiced by the findings recorded by the revenue authorities.

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

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

(Birendra Prasad Verma, J)

Arvind/-

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