

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18450 of 2012

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Sidheshwar Pd. Singh S/O Late Babu Jamuna Pd. Singh R/O Village-Sambey, P.S. Warisaliganj, Distt.- Nawada, at present R/O Flat No. 206, Panchratan Apartment, 7-A, Kasturba Path, North S.K. Puri, P.O. and P.S.- S.K. Puri, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Nawada
3. The Addl. Collector, Nawada
4. The Deputy Collector, Land Reforms, Nawada
5. The Circle Officer, Warisaliganj
6. Yugal Kishore Singh S/O Late Gajo Singh R/O Sambay, P.S. & P.O.- Warisaliganj, Distt.- Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma, Advocate
Mr. Anjani Kumar, Advocate

For the Respondent Nos. 1 to 5 : Mr. Pratik Kr. Sinha, AC to GA 12

For the Respondent No. 6 : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 12-10-2015

Heard the parties.

2. The petitioner is aggrieved by the order dated 11.03.2011 passed in Mutation Revision Case No. 29 (R) of 2010/ 6 (R) of 2010 by the respondent Additional Collector, Nawada, as contained in Annexure-4, whereby the aforesaid revision application filed on behalf of the petitioner has been dismissed and order dated 07.10.2009 passed in Case No. 607 of 2008-09 by the respondent DCLR, Nawada has been affirmed.

3. The learned counsel appearing on behalf of the petitioner as also the learned counsel appearing on behalf of the respondent no.6 have raised various issues and have referred to the certain documents in support of their respective claims with respect to the lands under dispute. However, both of them are

unanimous in their submission that Title Suit No. 164 of 1994 has been filed on behalf of the respondent no.6 with respect to the same lands seeking declaration of his title over the same. It is common case of the parties that in the aforesaid Title Suit dispute of title between the petitioner and the respondent no.6 is the subject matter for consideration and the suit is in advanced stage. Indisputably, in the aforesaid Title Suit, the petitioner and the respondent no.6 are the parties.

4. In above view of the matter, this Court is of the opinion that the interest of justice shall be subserved if the petitioner and the respondent no.6 both are given liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question in the aforesaid pending Title Suit. It is ordered accordingly.

5. It is well settled that the order (s) passed by the revenue authorities either for the purposes of mutation of the lands or creation of jamabandi or cancellation of jamabandi either in favour of one party or the other are only for the purposes of collection of rent by the State. It is evident that unless and until title of the parties is decided regarding lands in question, question of mutation or creation of jamabandi cannot be conclusively and finally decided by the revenue authorities.

6. In above view of the matter, present writ petition is finally disposed of with a liberty to the parties to raise all the issues of facts and law with respect to lands in question in the aforesaid pending Title Suit No. 164 of 1994.

7. It is directed that the aforesaid title suit shall be decided by the Civil Court strictly on the basis of evidence/materials produced by the parties. The findings recorded

by the revenue authorities in the impugned orders shall not adversely affect or prejudice the case of either parties in the aforesaid pending Title Suit and none of the parties shall be allowed to utilize the impugned orders for the purposes of declaration of their title over the same.

8. Till the matter is decided by the Civil Court, the parties shall maintain status quo over the lands in question.

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

(Birendra Prasad Verma, J)

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