

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4067 of 2015

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1. Mosmt. Meh Raza Khatoon, D/o Abdul Razzaque widow of Late Manowwar Hussain
 2. Abul Hayat, son of Late Manowwar Hussain, Both residents of village- Patharghatti, P.O. Bibiganj, P.S.- Kodhobari (Dighal Bank), District- Kishanganj

.... Petitioners

Versus

1. The State of Bihar, through the District Magistrate-cum-Collector, Kishanganj
2. The Divisional Commissioner, Purnea Division, Purnea
3. The D.C.L.R., Kishanganj
4. The S.D.O., Kishanganj
5. The B.D.O. Dighal Bank, Kishanganj
6. The Circle Officer, Dighal Bank, Kishanganj
7. Abdul Rahman, S/o Musaheb Hussain Resident of village- Pathar Ghatti, P.O. Bibiganj, P.S.- Kodhobas (Dighal Bank), District- Kishanganj
8. Abdul Razzaque, S/o Mosaheb Hussain
9. Abdul Wahab, S/o Mosaheb Hussain
- Both residents of village- Pathar Ghatti, P.O. Bibiganj, P.S.- Kodhobari (Dighal Bank), District- Kishanganj
10. Bibi Husne Bano, wife of Abdul Wahab
11. Md. Aquil
12. Md. Arshad
13. Md. Ahad

All sons of Bibi Sakeena Khatoon and Abdul Rahman, All residents of village Pathar Ghatti, P.O.- Bibiganj, P.S.- Kodhobari (Dighal Bank) District- Kishanganj

14. Lasho, Daughter of Bibi Sakeena Khatoon and Abdul Rahman, wife of Md. Shafique, Resident of village- Bhaura, P.O. Phulwaria, P.S.- Tehragachh, District- Kishanganj
15. Md. Nawab, S/o Bibi Neelam Begam and Abdul Razzaque
16. Piyari
17. Dulari

Both, Daughters of Bibi Neelam Begam and Abdul Razzaque, Resident of village- Pathar Ghatti, P.O. - Kodhobari (Dighal Bank), District- Kishanganj

18. Gulabi, daughter of Bibi Neelam Begam and Abdul Razzaque, W/o Md. Nazim, Resident of Village- Puthimari, P.O.- Dhangatta Hat, P.S.- Kodhobari, District- Kishanganj

.... Respondents

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Appearance :

For the Petitioners : Mr. Shabbir Ahmad,
Mr. Anil Kumar Saxena, Advocate
For the State : Mr. Anisul Haque, A.C. to A.A.G. 9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioners and the State.

The petitioners seek following reliefs:-

“(A) For quashing the order dated 21.01.2015 passed by (Dr.) K.P. Ramaiah, Member Administrative Bihar Land Tribunal, Patna in B.L.T. Case no. 492 of 2014 whereby B.L.T. Case no. 492/14 filed by Abdul Rahman – opposite party no. 7 has been allowed and the order dated 13.3.2014 passed by the Divisional Commissioner, Purnia in Land Dispute Appeal no.160/13 was set-aside.

(B) For quashing the order dated 21.12.12 passed.

(C) For restraining the respondents from interfering with the right, Title, interest and possession of the petitioner over the land in question.

(D) Any other relief or reliefs which the petitioners are entitled to in accordance with law.”

Learned counsel for the petitioners submits that the concerned land was settled in favour of petitioner no.1 in the year 1963-64 by the State of Bihar. However, the respondents are trying to dispose the petitioners on the basis of two sale deeds one of the year 1970 and other of the year 1982 executed by petitioner no.1 herself. The petitioners are claiming that the sale deeds are forged and fabricated as the petitioners have never executed any sale deed and for that a criminal case has also been lodged.

However, since the sale deeds are registered and are of the year 1970 and 1982, the genuineness of the sale deeds cannot be tested at the forum of revenue authorities. For declaration of sale deed as null and void or forged and fabricated, the civil court of competent

jurisdiction is the only forum available.

The writ petition stands disposed of with the aforesaid observation.

(Dr. Ravi Ranjan, J)

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