

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9761 of 2007

Devendra Nath Trivedi, son of Late Triveni Tiwary, resident of Village-
Thori Pandeypur, P.S. Murar, District-Buxar (Bihar) at present residing
at Matri Chhaya, Dev Nagar, Dumraon Nenua Road, Dumraon, P.S.
Dumraon, District- Buxar (Bihar)

.... Petitioner

Versus

1. The State of Bihar through Collector, Buxar
2. Deputy Collector Land Reforms, Dumraon, Buxar
3. The Circle Officer, Dumraon, Buxar
4. Smt. Kanti Devi, wife of Shri Basudev Narain Chaubey, resident of
Village & P.O. Nandan, P.S. Dumraon, District- Buxar, D/O Shri
Vidya Sagar Tiwary, resident of Thori Pandeypur, P.S. Murar,
District- Buxar at present residing at Shankar Bhawan, House
No.154, P.C. Colony, Kankarbagh, Patna-20

.... Respondents

Appearance :

For the Petitioner : M/s R.K.Sinha No. 2 and
Gajendra Nath Ojha, Advocates
For the State : Mr.Mritunjay Kumar, AC to AAG 10

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-01-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order passed by the
mutation authorities by which name of the respondent no. 4 Smt.
Kanti Devi has been mutated in place of her deceased father as per
her share.

Petitioner submits that he had earlier filed a mutation
case in which order of mutation was passed in his favour in a camp



court by the Circle Officer concerned and next time without issuing notice to the petitioner, name of the respondent concerned has been entered. He submits that Kanti Devi is not the daughter of Late Triveni Tiwary. The petitioner is the only son of Triveni Tiwary. The Deputy Collector Land Reforms concerned has passed order that, on the basis of the finding on possession of the land in accordance with the share claimed by Kanti Devi, the order has been passed. Petitioner's revision has also been dismissed. Petitioner admits that he has already filed Title Suit No. 309/2001 for declaration that the petitioner is son of Late Triveni Tiwary and the respondent Kanti Devi is not his daughter.

Therefore, the issue concerned is to be decided in the title suit filed at the instance of the petitioner before the Civil Court of competent jurisdiction and as such, that should not be taken up for consideration in exercise of powers under Article 226 of the Constitution of India in a writ application. It is also well settled that the entry in records of revenue is only made for fiscal relationship between the State and the persons concerned which neither creates nor extinguishes right, title and interest of the party concerned.

In above view of the matter, I am of the considered opinion that, in view of the pendency of title suit this case does not warrant interference of this Court under Article 226 of the

Constitution of India.

Accordingly, this writ application is dismissed.

(Dr. Ravi Ranjan, J)

Spd/-

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