

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14219 of 2014

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1. Shiv Dulari Devi @ Shivdulari Pandey wife of Shailendra Kumar Pandey, D/o Late Jamuna Mishra, resident of Village - Manikpur, Post - Manikpur, P.S. - Dhansoi, District - Buxar.
 2. Sonapati Devi @ Sonpati Pandey wife of Sri Narvdeswar Pandey D/o Late Jamuna Mishra, resident of Village - Kalyanpur, Post - Kalyanpur, P.S. - Durgawati, District - Kaimur at Bhabua.
 3. Kanti Devi @ Kanti Upadhyay wife of Late Ashok Upadhyay D/O Late Jamuna Mishra, resident of Village - Dildarnagar, P.S. - Dildar Nagar, District - Gazipur.
 4. Fulpati Devi @ Fulpati Pandey wife of Sri riyogi Pandey D/o Late Jamuna Mishra, resident of Village - Nagasar, Post - Nagasar, P.S. - Dildarnagar, District - Gazipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector- cum- District Magistrate, Kaimur at Bhabua.
3. The Deputy Collector of Land Revenue, Mohani, District - Kaimur at Bhabua.
4. The Circle Officer, Nuaon, District - Kaimur at Bhabua.
5. Bansh Narayan Mishra son of Late Yamuna Mishra, resident of village - Mahila, P.S. - Kudhani, District - Kamiur at Bhabua.
6. Madan Mishra son of Late Triyugi Narayan Mishra.
7. Chhotan Mishra Son of Late Triyugi Narayan Mishra. both resident of Village - Mahila, P.S. - Kudhani, District - Kaimur at Bhabua.
8. Ramjee Mishra son of Mohan Mishra
9. Shyamjee Mishra son of Mohan Mishra, both resident of Village - Mahila, P.S. - Kudhani, District - Kaimur at Bhabua.
10. Srimati Shiv Kumari Tiwari wife of Sri Shatrughan Tiwari, D/o Late Jamuan Mishra, resident of village - Babhani, Post - Sarenja, P.S. - Rajpur, District - Buxar.
11. Srimati Aspati Pandey wife of Sri Banshnarayan Pandey , D/o Late Jamuna Mishra, resident of village - Rawani, Post - Rawani, P.S. - Rajpur, District - Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Respondent Nos. 1 to 4 : Mr. Jai Vardhan, AC to AAG 3
For the Respondent No. 5 : Mr.Shiva Shankar Pd.Singh, Advocate
Mr.Pushpendra Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 15-09-2015 The petitioners are aggrieved by order dated
12.03.2014 (Annexure-5) passed in BLT Case No. 433 of 2013 by



the learned Bihar Land Tribunal, Patna, whereby the aforesaid case filed on behalf of the respondent no.5 was finally disposed of in terms of the compromise entered into by the parties of that case. Consequently, order dated 03.05.2013 passed by the District Collector, Kaimur at Bhabua in Mutation Revision Case No. 46 of 2012-13 as also the appellate order dated 18.08.2012 passed in Mutation Appeal No. 79 of 2011-12 by the DCLR, Mohania were set aside and order passed by the Circle Officer, Nuaon in Mutation Case No. 688 of 2011-12 was restored.

The grievance of the petitioners in the present writ petition is that without impleading them as party in the aforesaid BLT Case No. 433 of 2013 or in Mutation proceedings, orders have been passed by the authorities either in favour of one party or other regarding lands in question, but they were not given opportunity of hearing. In paragraph 1 of the writ petition itself it has been admitted that Title (Partition) Suit 233 of 1997 regarding lands in question is pending before the learned Subordinate Judge III, Buxar in which the petitioners claim to have filed written statement on 29.04.2014.

Learned AC to learned AAG 3, appearing on behalf of the respondent nos. 1 to 4, has rightly pointed out that since title (partition) suit is admittedly pending between the parties with respect to the lands in dispute before the Civil Court, therefore, the petitioners would be well advised to raise all the issues of facts and law including their claims of right, title and possession in the aforesaid pending title (partition) suit.

In the facts and circumstances of the case, this Court is of the opinion that the impugned order dated 12.03.2014 (Annexure-5) cannot be legally faulted as the parties to the lis

have entered into compromise before the learned Bihar Land Tribunal, Patna, but the aforesaid order shall not bind the petitioners as they were not party before the learned Tribunal.

In above view of the matter, the present writ petition is dismissed with a liberty to the petitioners to agitate their grievances/claims regarding the lands in question in the pending Title (Partition) Suit No. 233 of 1997 in the court of the learned Subordinate Judge III, Buxar, or if the petitioners are of the view that any appropriate relief cannot be granted to them in the aforesaid title (partition) suit, then they shall be at liberty to file a fresh suit before the civil court of competent jurisdiction for grant of appropriate relief, after impleading all the necessary parties including respondent nos. 5 to 11 of the present writ petition.

(Birendra Prasad Verma, J)

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