

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18731 of 2011

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Aalti Devi, W/O Late Munni Lal Singh, R/O Vill.-Mali Chak, P.S.-Paras Bigha, District-Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar through District Collector, Jehanabad.
2. District Collector, Jehanabad
3. Circle Officer, Block Ratni Faridpur, Jehanabad.
4. The Mukhiya, Gram Panchayat Raj Soharia, Block-Ratni Faridpur, P.O.-Soharia, P.S.-Parasbigha, District-Jehanabad.
5. The Panchayat Secretary, Gram Panchayat Raj Soharia, Block-Ratni Faridpur, P.O.-Soharia, P.S.-Parasbigha, District-Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Adv.
For the Respondent nos.1to3 : Mr. Subhash Pd. Singh, GA-3
Mr. Dilip Kumar, AC to GA-3.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-08-2016 The petitioner has filed the present writ petition seeking a direction to the respondents not to make any construction over the lands in question, which was allegedly given to her on the basis of alleged registered deed of exchange, not brought on the record.

In the present case, a detailed counter affidavit has been filed on behalf of the respondent nos.2 and 3. The learned G.A.-3 appearing on behalf of the respondent nos.1 to 3, by referring to the averments made in the aforesaid counter affidavit filed on behalf of the respondent nos.2 and 3, submits that the lands in question have been recorded as “Gairmajarua Malik” in the revenue records and the petitioner is having no right, title and possession over the lands in question.

The counter affidavit on behalf of the official respondents was filed way back on 24th April, 2012, after service

of its copy upon the learned counsel for the petitioner on 23.04.2012, yet no rejoinder affidavit has been filed on behalf of the petitioner disputing the assertion made in the aforesaid counter affidavit. In above view of the matter, it is apparent that the claim raised on behalf of the petitioner with respect to the lands in question is based on disputed questions of facts, which cannot be gone into in a proceeding under Article 226 of the Constitution of India.

In the aforesaid factual matrices, the writ petition is devoid of merit and is, accordingly, dismissed.

However, the petitioner, if so advised, may approach the Civil Court of competent jurisdiction for declaration of her right, title and possession over the lands in question.

(Birendra Prasad Verma, J)

Arvind/-

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