

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17846 of 2009

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1. Chandeshwar Sahani S/O Late Saryug Sahani, R/O Vill.- Hussainpur, P.O.- Sarfuddinpur, P.S. & Anchal - Bochahan, Distt.- Muzaffarpur
 2. Rajeshwar Sahani S/O Late Saryug Sahani, R/O Vill.- Hussainpur, P.O.- Sarfuddinpur, P.S. & Anchal - Bochahan, Distt.- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Muzaffarpur
3. The Deputy Collector Land Revenue (D.C.L.R.) East, Muzaffarpur
4. The Circle Officer Anchal- Bochahan, Distt.- Muzaffarpur
5. Hirlal Sahani S/O Late Ram Bilash Sahani, R/O Vill.- Hussainpur, P.O.- Sarfuddinpur, P.S. + Anchal - Bochaha, Distt.- Muzaffarpur
6. Devanand Sahani S/O Late Ram Bilash Sahani, R/O Vill.- Hussainpur, P.O.- Sarfuddinpur, P.S. + Anchal - Bochaha, Distt.- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar (Manoj), Adv.
For the Respondent No.1 to 4 : Mr. Asit Kumar Jha, AC to G.P. 6
For the Respondent No. 5 & 6: Mrs. Bela Singh, Adv.
Mr. Rajeev Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 20-08-2016 Heard the parties.

The matter at issue are the claims of mutation of the names of the parties with respect to the lands in question, fully detailed in paragraph-4 of the writ petition.

Admittedly, the claim of mutation raised on behalf of the petitioners with respect to the lands in question has been rejected by the appellate authority by order dated 30.8.2003 (Annexure-5), which has been affirmed by the revisional authority by the impugned order dated 4.6.2009 (Annexure-7).

After having heard the parties and taking into consideration the entire factual matrices of the present case, this Court is of the opinion that there is serious dispute of right and

title regarding the lands in question between the petitioners at one side and the respondent no.5 and 6 on the other side, which cannot be effectively decided by the revenue authority. Admittedly, the claim of mutation raised on behalf of the petitioners have not been accepted by the appellate authority as also the revisional authority vide orders contained in Annexure-5 and 7, respectively.

In above view of the matter, without interfering with the orders impugned, the present writ petition is disposed of with a liberty to the petitioners to approach the civil court of competent jurisdiction by filing an appropriate civil suit, after impleading all the necessary parties including the private respondent no. 5 and 6 for getting their right, title and possession declared over the lands in question, once the notification under Section 26A of The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 is issued by the State Government closing the consolidation operation in the unit in question.

It goes without saying that once the right, title and possession of the parties are adjudicated by the civil court of competent jurisdiction, then the revenue authority shall be obliged to pass a fresh order of mutation in favour of the successful party in accordance with law.

(Birendra Prasad Verma, J)

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