

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2988 of 2009

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Amar Yadav, son of Bhangar Yadav, resident of village+P.O.-Balua Rampurawa, P.S.-Bairiya, District-West Champaran, at present resident of mohalla-Saint Ghat, P.O.-Bettiah Town, P.S.-Bettiah Town, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
 2. Collector, West Champaran, Bettiah.
 3. The Deputy Collector, Land Reforms, West Champaran at Bettiah.
 4. The Circle Officer, Bairiya, P.S.-Bairiya, District-West Champaran.
 5. Kapildeo Prasad, son of late Mahavir Prasad
 6. Lilawati Devi, wife of Kapildeo Prasad
 7. Mohan Lal Prasad, son of late Mahavir Prasad
 8. Maya Devi, wife of Mohan Lal Prasad
- Respondent nos.4 to 7 are resident of mohalla-Ganj No.1, P.O.-Bettiah, P.S.-Bettiah, District-West Champaran
9. Member, Board of Revenue, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Respondent nos.1to4:Mr. Shashi Shekhar Prasad Sinha, AC to GA-13

For the Respondent no.9 :Mr.Binod Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 11-01-2016

Heard the parties.

The petitioner is aggrieved by the order dated 06.02.2009 passed in Revenue Mutation Case No.83 of 2004-05 by the respondent District Collector, West Champaran, Bettiah, as contained in Annexure-4, whereby the claim of the private respondent nos.5 to 8 with respect to the lands in question has been allowed and the order passed by the respondent DCLR, Bettiah for creation of Jamabandi in favour of the petitioner by the order dated 26.06.2004 has been set aside.

The learned counsel appearing on behalf of the petitioner submits that the petitioner purchased the aforesaid lands from one Amarnath Mukherjee by a registered sale deed of the

year 2003; therefore, his claim was allowed by the respondent DCLR for creation of Jamabandi in his favour.

The learned State counsel appearing on behalf of the respondent nos.1 to 4, on the other hand, submits that very title of the aforesaid Amarnath Mukherjee with respect to the lands in question is under serious dispute in view of the finding recorded in the impugned order passed by the District Collector, West Champaran, Bettiah. He further submits that the writ petition suffers from non-joinder of the parties as the aforesaid Amarnath Mukherjee has not been impleaded as party respondent.

The learned counsel appearing on behalf of the parties are unanimous in their submissions that the claim of right and title of the petitioner vis-à-vis the private respondents is based on disputed questions of facts.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to approach the civil court of competent jurisdiction for getting his right and title declared over the lands in question, after impleading all the necessary parties, by producing his evidence/materials in support of his valid claims over the same.

If such a civil suit is filed on behalf of the petitioner, then the same shall be decided strictly in accordance with law, but without being prejudiced by the refusal of this Court to interfere with the impugned order.

The writ petition stands disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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