

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1627 of 2013

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Savita Singh, W/O Shri Motilal Singh, Resident Of Village Arwal Sipah,
P.O & P.S & District- Arwal.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Magadh Division, Gaya.
3. Gufran Ahmad, S/O Late Serajuddin, Resident Of Village- Arwal Sipah,
P.O, P.S+ District- Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv. Mr.Arun Kumar, Adv.
For the Respondent nos.1&2	:	Mr. Anil Kumar Sinha, GA-9 Mr.Pawan Kumar, AC to GA-9
For the Respondent no.3	:	Mr.Md. Sufiyan, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 14-01-2016 Heard the parties.

The petitioner is aggrieved by the order dated 14.11.2011 passed in Demarcation Revision Case No.67 of 2010 by the respondent Commissioner, Magadh Division, Gaya, as contained in Annexure-3, whereby the aforesaid revision application filed on behalf of the respondent no.3 has been held to be maintainable.

The learned counsel appearing on behalf of the petitioner submits that no revision application was maintainable before the Divisional Commissioner, Gaya against the final order passed by the respondent District Collector, Arwal. Therefore, according to him, the impugned order is fit to be set aside and quashed.

The learned counsel appearing on behalf of the respondent no.3 has submitted that with respect to the lands in

question Title Suit No.14 of 2007 filed by the respondent no.3 is already pending before the Civil Court in which the present petitioner is also a defendant, besides others. However, he fairly conceded that the revision application is not maintainable before the Divisional Commissioner, but he seeks liberty of this Court to raise all the issues of facts and law with respect to the lands in question either in the pending title suit or before any other competent forum/court.

In view of the fair stand taken by the learned counsel appearing on behalf of the respondent no.3, the impugned order dated 14.11.2011 passed in Demarcation Revision Case No.67 of 2010 by the respondent Commissioner, Magadh Division, Gaya, as contained in Annexure-3, is hereby set aside and quashed and that revision proceeding is held to be non-est. However, the respondent no.3 and the petitioner shall be at liberty to raise all the issues of facts and law with respect to the lands in question in the pending Title Suit No.14 of 2007 before the Civil Court of competent jurisdiction. In the case of exigency, the respondent no.3 shall also be at liberty to approach any other forum/court for grant of appropriate relief(s) with respect to the lands in question.

In the result, the writ petition stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

Arvind/-

(Birendra Prasad Verma, J)

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