

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9615 of 2007

- =====
1. Satendar Kumar Yadav @ Satyendr Kumar Yadav, son of Sri Dina Nath Yadav.
 2. Dina Nath Yadav, son of late Chalitar Yadav,
 3. Manik Chand Yadav
 4. Krishna Yadav
 5. Shri Ram Yadav, Sl. No. 3 to 5 are sons of late Bairagi Yadav.
 6. Sethi Yadav
 7. Bijendar Yadav, both sons of Lakhichand Yadav.
 8. Budhan Yadav
 - 8.(A) Ram Babu Yadav, both sons of Late Shiv Prasad Yadav.
 9. Baiju Yadav.
 10. Lallan Yadav, both sons of Jainath Yadav.
 11. Laljhariya Devi, wife of Sri Tapeswar Yadav.
 12. Ram Patiya Devi wife of Sri Lal Babu Yadav.
 13. Sukhali Devi, wife of Late Jaynandan Yadav.
 14. Sona Devi wife of Late Musafir Yadav.
 15. Sumintra Devi wife of Sri Krishna Yadav
 16. Pankuri Devi, wife of Sri Manik Chand Yadav, All are residents of village Jitan Chhapra, P.S. Rani Talab, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deputy Collector, Land Reforms, Paliganj, District Patna.
3. Circle Officer, Dulhin Bazar, Distt. Patna.
4. Upendra Nath Sharma, son of Ram Nandan Sharma, resident of village Jitan Chhapra, P.S. Dulhin Bazar, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent No.1 to 3 : Mr. Zaki Haidar, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 28-07-2016 The petitioners are aggrieved by the order dated 09. 03. 2007 passed in Miscellaneous Case No. 20 of 2002-03 by the respondent D.C.L.R., Paliganj (Patna), as contained in Annexure-1 to the writ petition, whereby aforesaid case filed on behalf of the petitioners for settlement of the lands in question after cancelling the Jamabandi standing in the name of the private respondent has been rejected with a liberty to the petitioners to approach the civil court of competent jurisdiction for getting their right, title and

possession declared.

Though, despite repeated calls, none appears on behalf of the petitioners in support of the present writ petition; however, I have heard the learned State counsel appearing on behalf of the respondent no. 1 to 3. The learned State counsel has pointed out that after hearing the parties the respondent D.C.L.R. came to a conclusion that there is serious dispute of right, title and possession between the parties over the lands in question, which can appropriately be decided by the civil court of competent jurisdiction. It is pointed out that a similar petition filed on behalf of the petitioners was rejected earlier by the respondent D.C.L.R. According to him, the impugned order cannot be legally faulted.

The submissions made by the learned State counsel appear to be correct. From the plain reading of the impugned order, it is apparent that both sides claim their right, title and possession over the lands in question on the basis of certain documents available with them; therefore, the respondent D.C.L.R. has rightly refused to settle the lands in question in favour of the petitioners, after setting aside Jamabandi standing in the name of the private respondent, but liberty has been granted to the petitioners to approach the civil court of competent jurisdiction for getting their right, title and possession declared over the lands in question.

The writ petition is devoid of merit and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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