

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7401 of 2005

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Umeshwar Rai son of Late Raj Narayan Rai, resident of Village Morba Rai Tola, P.S.Musarigharari, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Commissioner, Darbhanga Division, Darbhanga
 3. The Collector, Samastipur, District Samastipur
 4. The Additional Collector, Samastipur, District Samastipur
 5. The Deputy Collector Land Reforms, Samastipur, District Samastipur
 6. The Anchal Adhikari, Morwa, District Samastipur
 7. Bimal Kumar Sharma
 8. Anil Kumar Sharma
 9. Sunil Kumar Sharma
 10. Sudesh Kumar Sharma
- Respondent Nos. 7 to 10 are sons of Bhubneshwar Rai
11. Tanuki Devi wife of Late Kusheshwar Rai
 12. Akhileshwar Rai son of Late Ram Bahadur Rai
- Respondent Nos. 6 to 12 are residents of Village Morba Rai Tola, Anchal Morba, P.S.Musarigharari, District Samastipur

.. Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-08-2016

The matter at issue is the cancellation of jamabandi with respect to lands in question mentioned in the writ petition.

The petitioner is aggrieved by the order dated 08.11.2004 passed in Case No. R-26 of 1996-97 by the respondent Divisional Commissioner, Darbhanga, as contained in Annexure-5 to the writ petition, whereby the aforesaid revision case filed on behalf of the petitioner has been dismissed, and the reasoned and speaking order dated 17.07.1996 passed in Mutation Revision Case No. 180 of 1992-93/254 of 1995-96 by the respondent Additional Collector, Samastipur, as contained in Annexure-4 to the writ petition, has been affirmed.

From the examination of the materials available on the

record, this Court finds that by recording concurrent findings of fact, the aforesaid two statutory authorities have rejected the claim of the petitioner with respect to the lands in question. This Court further finds that there is serious dispute of right and title between the parties with respect to lands in question. Therefore, in the considered opinion of this Court, such issues cannot be effectively decided by the revenue authorities either by passing order of mutation or cancelling the jamabandi with respect to lands in question.

In above view of the matter, this Court does not feel persuaded to interfere with the impugned orders as contained in Annexures- 4 and 5 respectively passed by the aforesaid two statutory authorities. Consequently, the writ petition has to fail and is, accordingly, dismissed.

However, this order shall not come in the way of the petitioner to approach the civil court of competent jurisdiction by filing an appropriate civil suit, after impleading all the necessary parties including the private respondents herein, for getting his right and title declared over the lands in question.

(Birendra Prasad Verma, J)

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