

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14791 of 2007

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Sachchidanand Singh @ Bihariji Singh, son of late Badri Narain Singh,
resident of village-Saraiya, P.S.-Bhagwanpur, District-Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
 2. Collector, Kaimur at Bhabhua.
 3. Deputy Collector Land Reforms, Bhabhua, District-Kaimur
 4. Anchal Adhikari, Bhagwanpur, District-Kaimur
 5. Dr.Rameshwar Prasad Singh, son of late Badri Narain Singh
 6. Sidharath Raj Singh, son of Dr.Rameshwar Prasad Singh
 7. Abhishek Kumar Singh, son of Dr. Rameshwar Prasad Singh
- Respondent nos.5 to 7 are resident of village—Saraiyan, P.S.-Bhagwanpur,
District-Kaimur(Bhabhua)

.... Respondent/s

With

Civil Writ Jurisdiction Case No.16209 of 2007

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Sachchidanand Singh @ Bihariji Singh, son of late Badri Narain Singh,
resident of village-Saraiya, P.S.-Bhagwanpur, District-Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
 2. Collector, Kaimur at Bhabhua.
 3. Deputy Collector Land Reforms, Bhabhua, District-Kaimur
 4. Anchal Adhikari, Bhagwanpur, District-Kaimur
 5. Dr.Rameshwar Prasad Singh, son of late Badri Narain Singh
 6. Sidharath Raj Singh, son of Dr.Rameshwar Prasad Singh
 7. Abhishek Kumar Singh, son of Dr. Rameshwar Prasad Singh
- Respondent nos.5 to 7 are resident of village—Saraiyan, P.S.-Bhagwanpur,
District-Kaimur(Bhabhua)

.... Respondent/s

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Appearance :

(In CWJC No.14791 of 2007)

For the Petitioner/s	:	Mr. S.S.Dwivedi, Sr.Adv. Mr.Mahesh Prasad, Adv.
For the Respondent nos.6&7	:	Mr. K.N.Chaubey, Sr.Adv. Mr.Rajesh Kumar Mishra, Adv.

(In CWJC No.16209 of 2007)

For the Petitioner/s	:	Mr. S.S.Dwivedi, Sr.Adv. Mr.Mahesh Prasad, Adv.
For the Respondent nos.6&7	:	Mr. K.N.Chaubey, Sr.Adv. Mr.Rajesh Kumar Mishra, Adv.
For the Respondent nos.1to4	:	Mrs. Kalpana, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

involved therein are almost common and identical. Therefore, on the request of the learned counsel appearing on behalf of the parties, both the matters have been heard together and are being disposed of by this common order.

In both the writ petitions, the matters at issue are the orders passed by the revenue authorities regarding mutation of the lands in question, fully detailed in paragraph 4 of each of the writ petitions.

Learned senior counsel appearing on behalf of the petitioner, while assailing the validity and correctness of the original order passed by the Anchal Adhikari, Bhagwanpur, as contained in Annexure-6, the appellate order passed by the respondent D.C.L.R., Bhabhua, as contained in Annexure-8, and the revisional order passed by the respondent District Collector, Kaimur (Bhabhua), as contained in Annexure-10 in both the writ petitions, has raised various issues of facts and law with respect to the lands in question and according to him the orders passed by the revenue authorities are not sustainable in law.

Per contra, the learned senior counsel appearing on behalf of the respondent nos.6 and 7 has supported the impugned orders passed by the original authority, appellate authority and the revisional authority. According to him, the orders passed by the revenue authorities cannot be legally faulted.

However, after arguing the matter at some length, the learned senior counsel appearing on behalf of the petitioner and the learned senior counsel appearing on behalf of the private respondent nos.6 and 7 have finally conceded that with respect to the lands in question Title Suit No.118 of 1998 is pending in the court of learned Sub-Judge-1st, Bhabhua in which both sides are parties. It is also not in dispute that in the aforesaid Title Suit No.118 of 1998 the validity and correctness of the gift deed dated

19.06.1996, on the basis of which private respondents are laying their claims over the lands in question, is subject matter of consideration.

In the aforesaid factual matrices, this Court is of the considered opinion that unless and until the validity or otherwise of the gift deed dated 19.06.1996 is decided in the pending Title Suit No.118 of 1998, the question of possession by way of passing order of mutation cannot be effectively decided by the revenue authorities.

In above view of the matter, both the writ petitions are disposed of with an observation that the orders passed by the revenue authorities with respect to the mutation of the lands in question shall not prejudice/influence the case of either party in the aforesaid pending Title Suit No.118 of 1998. Both the parties shall be at liberty to produce their all materials/evidence in support of their respective claims over the lands in question in the aforesaid pending Title Suit No.118 of 1998, but none of them shall draw any benefit from the findings recorded by the revenue authorities in the orders passed by them regarding mutation of the lands in question, which are subject matter of consideration in these two writ petitions.

It is expected that the parties shall cooperate in early disposal of the aforesaid Title Suit No.118 of 1998 and the learned court below shall make all endeavours to take it to its logical conclusion at an early date.

With the aforesaid observations and directions, both the writ petitions are finally disposed of.

Arvind/-

(Birendra Prasad Verma, J)

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