

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11182 of 2012

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1. Sita Ram Turi S/O Late Brispat Turi R/O Village- Govindpur, Police Station-Jhajha, At Present Gidhaur, P.O.- Govindpur, Sub-Division Jamui And District- Jamui
 2. Naurangi Turi S/O Late Brispat Turi R/O Village- Govindpur, Police Station-Jhajha, At Present Gidhaur, P.O.- Govindpur, Sub-Division Jamui And District- Jamui
 3. Girza Turi S/O Late Brispat Turi R/O Village- Govindpur, Police Station-Jhajha, At Present Gidhaur, P.O.- Govindpur, Sub-Division Jamui And District- Jamui

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Jamui
3. The Deputy Collector, Land Reforms, Jamui
4. The Circle Officer, Jhajha, Jamui
5. Lakhan Yadav S/O Late Mathura Yadav R/O Village- Govindpur, Police Station- Jhajha, At Present Gidhour, Sub-Division And District - Jamui (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Respondent No.1 to 4 :Mr. Anjani Kumar, AAG-6

Mr. Sanjay Kumar, AC to AAG-6

For the Respondent No. 5 : Mr. Mritunjay Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 06-04-2016

Heard the parties.

The matters at issue are the orders passed by the revenue authorities regarding mutation of land, fully detailed in paragraph-4 of the writ petition.

The claim of mutation raised on behalf of the petitioners or their mother- Basmatia Devi was allowed by the Circle Officer, Jhajha vide order dated 25.11.1997 (Annexure-2), which was affirmed by the D.C.L.R., Jamui by his order dated 27.11.2009 (Annexure-3). However, their claim has been reversed by the respondent District Collector, Jamui by the impugned order dated

03.02.2012 vide Annexure-4. By that order, claim of respondent no. 5 has been allowed.

In the present case, unless and until issue of title of the parties are decided by the competent civil court with respect to the lands in question, issue of possession by way of passing order of mutation by the revenue authorities cannot be effectively decided.

In above view of the matter, after some argument, the learned counsel, appearing on behalf of the petitioners, in presence of the learned counsel appearing on behalf of the respondent no. 5, besides the learned State counsel, appearing on behalf of the respondent no. 1 to 4, seeks permission to withdraw the present writ petition with a liberty to approach the civil court of competent jurisdiction for getting their right, title and possession declared over the lands in question.

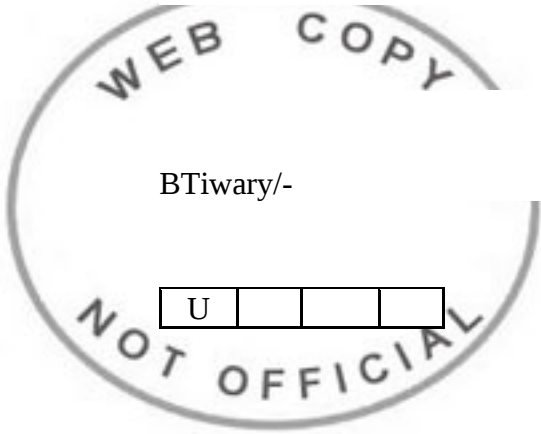
Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

If an appropriate civil suit is filed on behalf of the petitioners before the competent civil court, after impleading all the necessary parties, including respondent no.5, then the same shall be considered and decided on its own merit on the basis of evidence/ materials produced by the parties, but the cases of the parties shall not be adversely effected/ prejudiced before the civil court on the basis of the findings recorded either in favour of the petitioners or in favour of the respondent no. 5, in the orders, as contained in Annexure-2, 3 and 4, passed by the revenue authorities, which are subject matter of consideration in the present proceeding.

It is clarified that if cause of action so arises, the parties

shall be at liberty to file a petition before the civil court for grant of interim order/ ad-interim injunction.



(Birendra Prasad Verma, J)