

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9127 of 2014

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Sangeeta Devi W/o Shree Dharmendra Singh, R/O Vill./Mohalla -
Hanuman Nagar, P.S. Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Patna
3. The Additional Collector, Patna
4. The D.C.L.R. Danapur, Patna
5. The Anchal Adhikari Danapur, Patna
6. The M/S Helius Corporation Ltd. through Sri Sanjay Kumar Singh Son
of S.N. Singh at Helius Bhawan, Station Road, P.O. G.P.O. Patna, P.S.
Kotwali, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent No.1 to 5 : Mr. Vivek Pd., G.P. 7

Mr. S.K. Saraf, AC to G.P. 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-08-2016 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on her behalf is printed in the daily cause list.

The learned G.P. 7 appearing on behalf of the respondent nos. 1 to 5, by referring to the averments made in the counter-affidavit filed on behalf of the aforesaid respondent nos. 1 to 5, submits that the petitioner has no legal document in support of her claim over the lands in question and, in fact, she lays her claim on the basis of a *khista* transfer deed (plain transfer deed) as also the rent receipts issued by the ex-landlord in the year 1947. He further submits that after vesting of Zamindari, Jamabandi was never created in the name of the petitioner with respect to the lands in question. However, she filed a petition before the

Additional Collector, Patna and that has been rejected by an order dated 30.03.2014, but for the reasons best known to the petitioner, she has concealed the aforesaid material fact and has not brought the aforesaid order on the record. He next contended that the order passed by the Additional Collector is appealable and revisionable under the provisions of The Bihar Land Mutation Act, 2011.

Taking into consideration the aforesaid submissions and taking into consideration the averments made in the writ petition, as also the counter-affidavit filed on behalf of the respondent nos. 1 to 5, this Court is of the opinion that unless and until the right and title of the petitioner is declared by the competent civil court, with respect to the lands in question, no appropriate direction can be issued by this Court for issuance of rent receipts in her favour with respect to the lands in question.

Accordingly, the writ petition is dismissed, but a liberty is granted to the petitioner to approach the civil court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands in question, after impleading all the necessary parties including the private respondent no. 6, besides others, if any.

If such a civil suit is filed on behalf of the petitioner within a period of three months from today, the same shall be considered and decided on its own merit without being prejudiced by the present order.

(Birendra Prasad Verma, J)

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