

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13563 of 2013

Vinit Bhadani Son Of Late Rajendra Kumar Gupta Resident Of Village - Katari Hill Road, P.S. Civil Line, District - Gaya

.... Petitioner/s

Versus

- 1. The State Of Bihar, Through Chief Secretary, Government Of Bihar, Patna
- 2. The District Magistrate, Gaya
- 3. The Circle Officer, Sadar Gaya
- 4. The Halka Karmchari, Sadar, Gaya

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. BINAY KUMAR SINGH

For the Respondent/s : Mr. RAJIV KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 29-06-2016

Heard the learned counsel for the petitioner and the counsel for the State.

Parties have exchanged pleadings.

Upon attaining majority, the petitioner claims himself as the only legal heir of the ancestral property held by his grandfather Late Murlidhar Gupta. The writ application has been filed for a direction upon the respondents to correct the revenue record and give a clear account of the total land held by him. In diverse rent receipts issued by the State respondents in the year 2002-03, 2011-12 and 2012-13, the area of the land has varied between 5.75 ½ to 5.47 ¼ acres.

The State respondents filed a counter affidavit strongly disputing the claim of the petitioner that he is the sole heir of the property held by Late Murlishar Gupta. According to the State respondents, Late Murlidhar Gupta died leaving behind two sons and two daughters which fact has been suppressed by the petitioner. There is no clear-cut denial of the aforesaid fact in the rejoinder filed by the petitioner. In paragraph 5 of the counter affidavit the State

respondents have stated that certain lands have been sold by the owner of the property in favour of different persons cited in the said paragraph. The purchasers made application for mutation and accordingly the demand register was modified/alterd. The petitioner has, however, disputed the correctness of the official record stating discrepancy.

Upon hearing both sides and after perusal of the materials placed on record, in the considered view of the court, there appears a dispute relating to the land between the heirs of Late Murlidhar Gupta. Such dispute can be resolved by a court of competent civil jurisdiction.

Insofar as discrepancy in the revenue record relating to the subject land is concerned the matter can be looked into by the Collector of the district. The petitioner may raise a grievance before him with respect to the discrepancy/error(s) in revenue record relating to the subject land maintained in the office of the Circle Officer. Needless to observe if any such application/representation is filed, The district Collector shall examine the same and pass appropriate order as required in the facts and circumstances of the case.

The application is disposed of with the aforesaid observation(s).

(Kishore Kumar Mandal, J)

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