

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13198 of 2015

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Bechu Paswan, son of Late Ram Lakhan Paswan, resident of Village-Asanpur, Kupaha, P.S. Kishanpur, Dist- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Revenue & Land Reforms Department, Bihar, Patna.
2. The Registrar, Bihar Land Tribunal, Patna.
3. The Collector-cum-District Settlement Officer, Supaul.
4. The Revenue Officer, Supaul.
5. The Circle Officer, Kishanpur, Distt- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar, Advocate

Mr. Shiv Sager Sharma, Advocate

For the Respondent/s : Mr.Md.Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-09-2016

Heard the parties.

The petitioner is aggrieved by the order dated 8th September, 2014 passed in B.L.T.Case No. 452 of 2013 along with connected B.L.T.Case No. 446 of 2013 and other connected cases by the learned Bihar Land Tribunal, Patna, as contained in Annexure-4 to the writ petition, whereby aforesaid B.L.T.Case No. 452 of 2013, besides others cases, filed on behalf of the petitioner has been dismissed, but liberty has been granted to the petitioner to file a suit for correction of revenue records of right regarding the lands in question claimed by him.

From the facts pleaded in the writ petition as also the counter affidavit filed on behalf of the respondent nos. 3 and 5, it is apparent that the claim raised on behalf of the petitioner with respect to the lands in question is based on certain disputed question of facts, and unless and until oral as also documentary evidences are recorded by the civil court of competent jurisdiction,

those disputed question of facts cannot be effectively decided in the present proceeding filed under Article 226 of the Constitution of India.

In above view of the matter, the petitioner is granted liberty to approach the civil court of competent jurisdiction for grant of appropriate relief(s) with respect to lands in question claimed by him.

If an appropriate civil suit is filed on behalf of the petitioner, after impleading all the necessary parties including the respondents herein, besides other private individual, if any, within a period of three months from today, then the same shall be considered and decided on its own merits strictly in accordance with law on the basis of the evidences/materials produced by the parties.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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