

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.108 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 9945 of 2007**

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Md. Aminuddin Son of Late Sk. Mangloo Resident of Village Bahadurpur, P.O.
And P.S. Amour, District- Purnea

.... Appellant/s

Versus

1. The State of Bihar
2. The Collector, Purnea
3. Sub Divisional Officer, Baisi, Purnea
4. Anchaladhikari, Baisi, Purnea
5. Ghulam Rabbani, Son of Abdul Qaiyum, Resident of Pathan Toli, P.O. and P.S.
Amout, Dist. Purnea

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Shabbir Ahmad and
Mr. Anil Kumar Saxena, Advocates.

For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 08-04-2016

The challenge in the present Letters Patent Appeal is to
an order dated 11.07.2013 passed by the learned Single Bench of this
Court directing the appellant to approach the Civil Court of competent
jurisdiction for getting his right, title and possession declared over the
lands in question by filing an appropriate civil suit or he may seek
other appropriate relief admissible to him under the law.

2. The learned Single Judge has recorded that the
appellant is a purchaser of Plot No. 248, area measuring 1.12 acres of



land whereas the respondent no. 5 is resisting mutation on the basis of a sale deed executed in his favour by the same vendor. The argument of the learned counsel for the appellant is that the respondent no. 5 is not the purchaser. In fact, Ghulam Rahmani and Ghulam Geelani, brothers of the respondent no. 5, are the purchasers that too after the purchase in favour of the appellant on 10.11.1993.

3. We have heard learned counsel for the appellant and find no merit in the present Letters Patent Appeal. The *Anchal Adhikari* in its order dated 04.03.1996 accepted the request of the appellant in respect of .53 decimals out of 1.12 acres of land and rejected the request for mutation in respect of the remaining .59 decimals of land. Such order was set aside by the Appellate Authority on 21.08.2002 but the Revisional Authority vide order dated 16.03.2007 restored the order of the *Anchal Adhikari*. A perusal of the order of the *Anchal Adhikari* and that of the Revisional Authority shows that the petitioner is basing his claim of mutation on the basis of purchase dated 20.04.1978.

4. Even the civil suit filed by the appellant was dismissed on the basis of said purchase. Thus, we find that there is dispute regarding right, title and interest over the land in question, therefore, the learned Single Bench rightly left the parties to avail the remedy of civil suit. Civil Court is the competent court to decide the disputed

questions of right, title, interest and possession over the land in question.

5. We do not find any error in the impugned order of the learned Single Bench which may warrant interference by this Court.

6. The Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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