

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.284 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 14600 of 2005

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Saroj Devi Wife Of Late Surendra Prasad Sinha Resident Of Village and P.O. Athar, P.S. Nawa Nagar, Anchal- Nawa Nagar, District- Buxar, Bihar, Presently Resides At Mohalla Kisan Colony, Anisabad, P.O. Anisabad, P.S. Phulwari Sharif, District -Patna

.... Appellant/s

Versus

1. The State Of Bihar
2. District Magistrate Cum Collector, District Buxar at Buxar
3. Deputy Collector, Land Reforms at Dumaraon
4. Circle Officer, Anchal Nawa Nagar, District Buxar
5. Commissioner, Patna Division at Patna
6. Tarni Prasad Srivastava Son Of Late Shiv Shankar Lal Resident Of Village And P.O. Athar, Anchal Nawa Nagar, District- Buxar
7. Sharat Chandra Sinha
8. Shashank Shekhar Sinha
- Both Sons Of Late Surendra Prasad Sinha Presently Reside At Mohalla Kisan Colony, Anisabad, P.O. Anisabad, P.S. Phulwari Sharif District Patna
9. Nagendra Prasad Sinha Son Of Late Kedar Nath Lall
- All Resident Of Village And P.O. Athar P.S. Nawa Nagar Anchal Nawa Nagar, District Patna

.... Respondent/s

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Appearance :

For the Appellant : Mr. Vijayeshwar Prasad with
Mr. Binod Kumar Singh and
Mr. Shambhu Prasad, Advocates

For the Respondent No. 6 : Mr. Brij Mohan Kumar, Advocate

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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: 15-07-2016

Heard learned counsel for the parties.

The order dated 26th September, 2013 passed by the learned Single Bench in C.W.J.C. No. 14600 of 2005 is the subject matter of challenge in the present Letters Patent Appeal.

The writ petition is directed against an order dated 29th July, 2005 (Annexure-5) whereby the revision preferred by the respondent

no. 6 was accepted and the order passed by the Anchal Adhikari was restored. The parties are claiming inheritance of the estate of Khub Chand Lal. The learned Single Bench has found that there are disputed questions of right, title and possession between the parties which should be adjudicated upon by the Civil Court.

Learned counsel for the appellant has vehemently argued that the impugned order is wholly illegal and arbitrary and the material questions have not been examined particularly the pendency of proceeding before the Consolidation Authority.

The fact is that the mutation proceedings are summary in nature and the disputed questions of title are to be examined by the Civil Court. Therefore, the learned Single Bench has not committed any illegality when it has observed that the disputed questions of right, title and possession between the parties are better raised before the Civil Court.

In view of the said fact, we do not find any ground to interfere in the present intra court appeal and the same stands dismissed.

It shall be open to the parties to avail the remedy of civil suit in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

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