

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.954 of 2016**

**IN**

**Civil Writ Jurisdiction Case No. 16610 of 2014**

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Manoj Chand, son of Late Manik Chand, resident of Mohalla - Bharaoper, P.S.  
Laheer, District - Nalanda

.... .... Petitioner - Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Nagar Vikash Bibhag, Patna
3. The Nagar Aayukt, Biharsharif Municipal Corporation, P.S. Bihar, District - Nalanda
4. Ashok Kumar son of Late Indradeo Prasad resident of Mohalla - Mathuria, P.S. Laheer, District - Nalanda
5. Punam Chand son of Late Manik Chand resident of Mohalla - Bharaoper, P.S. Laheer, District - Nalanda

.... .... Respondents / Respondents.

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**Appearance:**

For the Appellant/s : Mr. Surendra Kumar, Advocate.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 05-12-2017**

Heard learned counsel for the appellant.

Perused the order dated 04.01.2016 passed by the learned single Judge. The learned single Judge has rightly relegated the appellant, who was the petitioner before the court below, to take the dispute before a Civil Court of competent jurisdiction.

The Court can only observe that any order of mutation, which has been passed and was subject of challenge before the learned single Judge, will be of no avail and will not create any presumption of title in favour of any person. It will be subject to the



outcome of the declaration made by a Civil Court of competent jurisdiction.

The Appeal is otherwise dismissed except for the observations made above.

**(Ajay Kumar Tripathi, J)**

**(Rajeev Ranjan Prasad, J)**

Dilip, AR

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