

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.753 of 2016

- =====
1. Jagmania Devi wife of late Ramashish Singh Permanent resident of Village- Mithanchak, P.S Gopalpur , District Patna. Resident of Village - Makhdumpur Margia tola, Gate No. 87, P.S+P.S - Digha Ghat , District Patna.
 2. Smt. Kumkum Ranjan wife of Sri Umesh Ranjan Resident of Village - Patalapur, P.S Shahpur, P.O. Madhopur, District- Patna.
 3. Smt. Sharmila Devi wife of Sri Dharendra Kumar Resident of Village and P.O.- Parthur, Pipra, District- Patna.
 4. Smt. Shanti Devi wife of Sri Pramod Kumar Sinha resident of Village and P.O.- Malikpur, P.S- Karaipersurai, District Nalanda.

.... Appellants

Versus

1. The State of Bihar through the Collector, Patna.
2. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
3. The Circle Officer, Sampatchak, Patna.
4. Bhuvaneshwar Singh
5. Ramjee Singh
6. Dinesh Kumar
7. Ashok kumar Singh Sl. No. 4 to 7 sons of late Bhagwan Singh, resident of village -Mithanchak, P.S Gopalpur, District Patna.

.... Respondents

=====

Appearance :

For the Appellants : Mr. K.N. Choubey, Sr. Advocate
Mr. Ras Bihari Thakur, Advocate
For the Private Respondent: Mr. J.S. Arora, Sr. Advocate
Mr. Manoj Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 07-12-2017

Heard learned senior counsel for the
appellants and learned counsel for the private respondents.



2. Learned Single Judge vide order dated 15.03.2016 refused to interfere with the judgment and order dated 25th of May, 2015 passed by the Bihar Land Tribunal, Patna, in B.L.T. Case No. 908/2013.

3. The writ application was dismissed primarily on the ground that the dispute so raised on which the appellants wanted an answer are subject matter of adjudication in Title Suit No. 835/2011 pending before Sub-Judge-I, Patna. The learned Single Judge had this to observe:

“However, it is clarified that, if during the pendency of the aforesaid Title Suit No. 835 of 2011, the respondent nos. 4 to 7 try to alienate or encumber the suit property in any manner, then the petitioners shall be at liberty to approach the Civil Court for grant of appropriate relief(s) by way of grant of injunction.

If such a petition is filed on behalf of the petitioners or by the private respondents, then it is expected that the Civil Court shall take up the matter and shall decide the petition strictly in accordance with law.”

4. The nature of dispute being such, the learned Single Judge committed no error by relegating the contesting parties before the Civil Court to fight out their



legal battle in Title Suit No. 835/2011.

5. Learned senior counsel for the appellants relied on certain decisions of Hon'ble Apex Court as well as the High Court. None of these decisions are applicable at this stage in adjudication of the case. Such decisions should be brought before the Court of Sub-Judge-I, Patna while deciding the Title Suit for consideration.

6. This appeal has no merit. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2017
Transmission Date	NA

