

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22078 of 2013

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Ram Kuwar Ram Son O F Late Bhajan Ram Resident Of Vill- Jamsaddi, P.O.
Jamsad, P.S- Uchakagaon, District - Gopalganj.

.... Petitioner

Versus

1. Nathuni Manjhi Son Of Late Bhoj Manjhi, Residnet Of Vill- Jamsaddi, P.O-
Jamsad, P.S- Uchakagaon, District- Gopalganj.
2. District Magistrate- Cum- Collector, Gopalganj, Distt- Gopalganj.
3. Deputy Collector Land Reforms, Hathua, P.O & P.S.- Hathua District-
Gopalganj.
4. Circle Officer, Uchakagaon Anchal, Distt- Gopalganj.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Y.V.Giri, Sr. Advocate
	:	Mr. VIKAS RATAN BHARTI
For the State	:	Mr. Rishi Raj Sinha, SC-19
	:	Mr. Birendra Prasad Singh, AC to SC-19.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsels for the petitioner and respondents.

2. The defendant of Title Suit No.89 of 2012 pending in the Court of Munsif, Gopalganj has filed the present application for setting aside the order dated 13.08.2013 whereby and whereunder the court below refused to decided the maintainability of suit as preliminary issues and fixed the case for framing issues.

3. It appears that the plaintiff respondent-Ist set has filed the aforesaid Title Suit No.89 of 2012 for declaration of his right and title over the land mentioned in schedule of the plaint and also for declaration that the order of Circle Officer passed in Case No.5/2011-12 and order of DCLR in Case No.141/2011-12 as void illegal and without jurisdiction. The case of the petitioner is that he had filed case no.5/2011-12 before the Circle Officer for measurement of land. The



plaintiff had also filed a case no.141/2011-12 under the provision of Bihar land Dispute Resolution Act. The said case was dismissed on contest.

4. The contention of learned counsel for the petitioner is that the respondent-plaintiff has not preferred any appeal before the Commissioner as provided under Section 14 of Bihar Land Dispute Resolution Act and without existing proper forum has filed the present suit. It is not in dispute that both the parties are claiming title over the suit property. The respondent-plaintiff claims settlement from ex-land lord Hathua Raj which was settled in the name his father. The dispute between the parties is purely a civil dispute and complicated question of title has to be decided for which the competent court is civil court. The learned Munsif considering the nature of dispute has rightly refused to decide the maintainability of suit as preliminary issue.

5. In view of above discussions, I do not find any merit in this application. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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