

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9607 of 1996

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Most. Taro Devi wife of Late Baldeo Mahto, resident of village Kumarpur, P.S. Fullidumar, Dist.-Banka (Bhagalpur)

.... Petitioner

Versus

1.State of Bihar
2.The Anchal Adhikari, Sambhuganj, Dist.-Banka
3.The Land Reforms Deputy Collector, Banka
4.The District Magistrate, Banka
5.The Additional Collector, Banka
6.The Commissioner, Bhagalpur Division, Bhagalpur
7(a).Most. Santi Devi, wife of Late Ram Bilash Singh
7(b).Tripurari Singh son of Late Ram Bilash Singh
7(c).Sujit Singh son of Late Ram Bilash Singh, all 7(a) to 7(c) are resident of village Kumarpur, P.S. Fullidumar, Dist.-Banka (Bhagalpur)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad
Mr. Shiv Pratap Chanchal
For the Respondent/s : Mr. Mritunjay Prasad Singh
Most. Kumari Sudha
Mr Rajesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 11-05-2018

Heard both sides.

The petitioner has filed this writ petition to quash the order dated 27.04.1994 passed by Additional Collector in Misc. Appeal No.38/1990-91, order dated 15.12.1994 passed by S.D.M., Banka, in Correction of Jamabandi Case No.17/94-95, and the order dated 12.08.1996 passed by the Commissioner, Bhagalpur, passed in Banka Revision Case No.17/94-95, by which the prayer of the petitioner to mutate the name of the petitioner with regard to Khata



No.72, Khesra No.534 and 604, measuring area 2.52 decimals have been rejected.

The petitioner claimed the land on the basis of registered kabuliyat and the Circle Officer also mutated the name of the petitioner and issued rent receipts.

Learned counsel for the petitioner submits that in the year 1982-83, rent receipts in favour of the petitioner was stopped and the petitioner filed petition before the Circle Officer bearing Misc. Case No.3/86-87. The Circle Officer recommended for issuance of rent receipts in favour of the petitioner and sent the record to the D.C.L.R. but the D.C.L.R. dismissed the petition for non-prosecution on 08.08.1990 (Annexure-4). Thereafter the Additional Collector, Sub Divisional Officer and the Commissioner vide order as contained in Annexures-5, 6 and 7 dismissed the petition of the petitioner.

Learned counsel for the petitioner submits that the petitioner claimed the land on the basis of registered kabuliyat but it appears that when the name of the petitioner was mutated, the villagers filed Title Suit No.34/1959 in the court of Munsif and the Munsif found that the nature of land is gair majarua aam and the land of Khata No.72, Khesra No.534 and 604 measuring area 2.52 decimals is in the use of common villagers. The petitioner filed appeal against the judgment and decree passed by Munsif in T.S. No.34/1959



and the same was dismissed. The petitioner again filed Second appeal before the High Court and S.L.P. before the Apex Court, which were also dismissed. In pursuance thereof, during the Consolidation proceeding, the nature of the land was mentioned as Gair Majarua Aam.

Learned counsel for the respondents also submits that the petitioner has lost the case in all the courts. Very recently, the petitioner lost the case in B.L.T.

Considering the fact that the dispute has been settled by the Civil Court with regard to nature of land and the Jamabandi standing in the name of the petitioner has already been cancelled, I find no merit in this writ petition.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	NA

