

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8438 of 1995

1.KANTI DEVI
2. Smt. Vijay Laxmi Singh
3. Praveer @ Pardeep Prasad Narayan Singh

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Land Reforms, State of Bihar
3. The Collector, Siwan
4. The Additional Collector, Siwan
5.Incharge, Land Reforms, Siwan
6. The S.D.O. Maharajganj
7. The Circle Officer, Bhagwanpur Hat

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. BINOD KUMAR SINGH
For the Respondent/s : Mr. (GP1)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

11 27-03-2018 Heard both sides.

The petitioners have filed this writ petition for a direction to the revenue authorities not to issue purcha on the land of the petitioners.

The case of the petitioners is that Partition Suit No. 230 of 1936 was filed in the court of Munsif, Chapra for partition of the property mentioned therein. Mahavir Sharan Singh, husband of Kanti Devi, petitioner No.1, was defendant No.9 in the aforesaid suit. The land of Khata No. 615, plot No. 3322, Mauza, Sondhani, P.S. Bhagwanpur Hat was recorded in the cadestral survey as Gairmazarua Malik. On appeal, the



judgement of Munsif was affirmed. The final decree was prepared and Mahavir Sharan Singh, husband of Kanti Devi, defendant No.9, now deceased, represented through his legal representative, got share over the land mentioned in scheduled-G of the decree and Mahavir Sharan Singh got the land for his personal cultivation. Mahavir Sharan Singh died and petitioners claimed the land during the period of Jamindari abolition to be in their possession and return was accordingly filed. The petitioners filed petition for rent fixation but the same remained pending. The petitioners came to know that the revenue authorities were intending to settle their land considering the same to be Gairmazarua Malik. The Circle Officer issued notice to the petitioners to file all documents with regard to their title over the land. The petitioners filed reply but no order was passed on the petition of the petitioners.

The State has not filed any counter affidavit.

The learned counsel for the petitioners submits that vide judgement and decree passed in Partition Suit No. 230 of 1936 (Annexure-1) the land fell in the share of Mahavir Sharan Singh but the revenue authorities, without taking into consideration the documents filed by the petitioners, are bent upon to settle the land in favour of different persons considering the land as



Gairmazarua Malik but the land is in cultivating possession of the petitioners before the abolition of Jamindari and the Jamindar filed return.

It appears from the records itself that in Partition Suit, the Munsif, Chapra passed judgement and decree and the land of Khata No. 615, plot No. 3322, Mauza, Sondhani, P.S. Bhagwanpur Hat, area 20 bigha, 6 Katha, 12 dhurs fell in the share of Mahavir Sharan Singh, husband of petitioner No.1, and since then husband of petitioner No.1 came in peaceful and cultivating possession of the land. The petitioners also filed a petition for rent fixation but the same is pending before the revenue authorities.

Having considered the facts aforesaid, I direct the Circle Officer firstly to pass order on the petition of petitioners for fixation of rent and till the order is passed the petitioners shall not be dispossessed from the possession of the land.

With this observation, this writ petition is disposed of

(Prabhat Kumar Jha, J)

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