

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2219 of 2015

In
Civil Writ Jurisdiction Case No.12976 of 2009

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Sanjit Kumar Thakur son of Late Rasbihari Thakur resident of P.O. and P.S. -
Hisua, District – Nawadah. Appellant/s

Versus

1. The State of Bihar through Collector, Nawadah.
 2. The District Magistrate, Nawadah.
 3. The Deputy Collector Land Reforms, Nawadah.
 4. Anchal Adhikari, Hisua Anchal, P.S. - Hisua, District - Nawadah.
 5. Kali Sah Son of Late Punna Sao resident of Two Hisua, P.S. - Hisua, District -
Nawadah.
 6. Sri Dilip Kumar Son of Late Dashrath Sao resident of Two Hisua, P.S. -
Hisua, District – Nawadah Respondent/s
- =====

Appearance :

For the Appellant/s	:	Mr J. S. Arora, Sr. Advocate Mr. Manoj Kumar
For the Respondent/s	:	Mr. Siya Ram Shahi Mr Shally Kumari

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 31-01-2018

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

A categorical statement has been made by the learned senior
counsel that they are concerned with C.S. Plot No..1665, 1667 and
1668, which was subject matter of Title Suit No.214 of 1988. However,
from what has been informed that the suit is a proxy only to keep the
issues alive one way or other as after the institution of the suit in 1988
for non- filing of the court fee, it came to be dismissed on 20.10.2006
and now a restoration application has been filed in which no order has
been passed till date. In other words, there is no pendency of Title Suit
No.214 of 1988 as of now.



From the narration of facts, we are satisfied that the Title Suit has been instituted only to keep matters at bay and defeat a legitimate claim and right of the present appellant to get the property mutated in his name.

It is directed and declared that application of the appellant for mutation of C.S. Plot No.1665, 1667 and 1668, C.S. Khata No.204, situated at village Panchu Khankhana, District Nawadah will be entertained by the Revenue authorities and the needful shall be done. It is clarified that if any declaration comes from the civil court in favour of the private respondents, then it will always be open for correction of the revenue record on the basis of the decree, which is stating the obvious. It is further stated that the appellant has nothing to do with C.S. Plot No.1666, which is a subject matter of Title Suit No.145 of 1988. If that be so, this Court has nothing to add with regard to C.S.Plot No.1666.

The appeal stands disposed of with the above observation and direction.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
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