

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.996 of 2016

1. Chandramani Pandey
2. Birendra Kumar Pandey,
3. Satyendra Kumar Pandey,
4. Shailendra Kumar Pandey,
5. Upendra Kumar Pandey, All Sons of Late Sheokumar Pandey,
6. Smt. Prabha Pandey, Wife of Birendra Kumar,
7. Smt. Meena Pandey, Wife of Satendra Kumar Pandey,
8. Smt. Kanchan Pandey, Wife of Shailendra Pandey,
9. Smt. Kamala Devi, Wife of Sri Chandramani Pandey, All Residence of Village - Mohanpur, P.O. - Nalanda, P.S. - Nalanda, District - Nalanda at Bihar Sharif.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Revenue and Land Reforms, Govt. of Bihar Patna
2. The Bihar Land Tribunal, Patna.
3. The Commissioner Patna Division, Patna.
4. The Collector cum District Magistrate, Nalanda, at Bihar Sharif.
5. The Additional Collector, Nalanda at Bihar Sharif.
6. The Circle Officer Silao, Nalanda at Bihar Sharif.
7. The Tourist Officer, Department of Tourist, Govt. of Bihar, Rajgir Nalanda at Bihar Sharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the State : Mr. Rakesh Narayan Singh AC to AAG 15

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-02-2019 Heard.

This writ application, in my opinion is misconceived. An order passed by the District Magistrate, Nalanda, dated 24.03.2015, was assailed by the petitioners before the Bihar Land Tribunal, giving rise to B.L.T.Case No. 497 of 2015, which was dismissed as withdrawn by an order dated



15.12.2015, with a liberty to the petitioner to raise their grievance(s) before appropriate forum available under law. Possibly, in the light of the said withdrawal of the case with liberty from the Tribunal, the petitioners have considered this forum to be the appropriate forum available to raise their grievance(s).

I have perused the order dated 24.03.2015, passed by the Collector, Nalanda, from which it appears that there is dispute in respect of possession of these petitioners over the land in question. The Collector has specifically recorded that the petitioners were never in possession over the disputed land, which is being used for public purpose.

The question of title and possession cannot be gone into in a proceeding under article 226 of the Constitution of India. This writ application has not merit, which is accordingly dismissed.

It goes without saying that the petitioners shall be at liberty to file a suit before a competent



court of civil jurisdiction, claiming their title and possession.

(Chakradhari Sharan Singh, J)

HR/-

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