

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4011 of 2019

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Dharmendra Kumar Son of Nandjee Yadav Resident of Village-New Basti,
Block-Pachrukhi, P.S._mahadeva (O.P) District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through
2. The Commissioner, Saran Division At Chapra.
3. The District Magistrate, Saran
4. The Anchaladhikari, Pachrukhi
5. The Deputy, Collector, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Prem Sheela Pandey
For the State	:	Mr. Raj Kishore Roy GP-18
		Mr. Mukul Prasad, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-03-2019 It appears from the pleadings on record that the petitioner had purchased a piece of land from one Ajit Kumar, through a sale deed dated 11.03.2014. It has further transpired that the said land did not belong to Ajit Kumar, rather that was a Government land.

Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner proceeded to purchase the said piece of land on the basis of a *jamabandi*, which was existing in favour of the said Ajit Kumar, in whose favour mutation was also done. Learned counsel has further submitted that the said land has been wrongly included in the



list of *Gairmazarua Malik*, because of which any registration of document for sale, in respect of the said land, has been prohibited.

It is evident from the pleadings on record and submissions advanced on behalf of the parties that it is a clear stand of the State of Bihar that the land, in question, belongs to the State of Bihar. In my view, if the petitioner questions the said stand of the State of Bihar, he may approach a competent court of civil jurisdiction, by filing a suit for adjudication of the dispute.

The petitioner has filed a representation before the Commissioner, Saran Division, Chapra, in this regard. It will be open for the petitioner to pursue the Commissioner, Saran Division, Chapra, to dispose of his claim. In my view, however, the remedy of the petitioner lies in filing a suit before a competent court of civil jurisdiction.

This writ application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

HR/-

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