

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10530 of 2019

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1. Ajit Kumar Singh @ Shambhu Singh son of Late Shatrudhan Singh, Resident of Village- Rampur Rudar, Police Station - Panapur, District - Saran.
 2. Krishn Shankar Singh Son of Lakshmi Narayan Singh, Resident of Marwa Basaiyan, Dumarshan Bangra, Police Station - Panapur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue, Government of Bihar, Patna.
2. The District Magistrate, Saran
3. The Land Revenue Deputy Collector, Marhawra
4. The Sub Divisional Magistrate, Marhawra.
5. The Block Development Officer, Taraiya.
6. The Circle Officer, Taraiya.
7. Kanpur Sugar Works Ltd. Sadarland House, Kanpur, Uttar Pradesh.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad
For the State	:	Mr.Subash Chandra Yadav (GP-15)
		Ms. Sangha Mitra Ghosh, AC to GP 15

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-05-2019 Though, the case has been listed with office notes, pointing out certain defects, considering the nature of dispute involved, ignoring the said defects, I proceed to dispose of the writ application, after hearing the learned counsel for the parties.

Following is the relief, which the petitioners are seeking:-

“1. That this writ application is being



filed for issuance of writ(s), direction(s), order(s) to the respondents concerned to cancel the Zamabandi of Kanpur Sugar Works Ltd. and delete the name of Kanpur Sugar works Ltd. from Register-2 and insert the name of the petitioners in Register-2 with respect to all Plot appertaining to Khatna No. 1, 2, 3 & others, Mauza-Ramkola, Thana-Mashrak, Tauzi No.2516, 2559, situated at village-Ramkola, police station-Tartary, District-Saran, which is petitioners' ancestral land and same was given on lease to Kanpur Sugar Works Ltd. in 1881 for the farming of Sugar Cane and the said Sugar Factory Wind-up and now same is not in the existence and the petitioners are in possession of the said land, since the lease period has already been expired and further direction to the respondents to issue rent receipt of the share of the land of the petitioners for that petitioners are ready to deposit the total rent, which is due in revenue record of the State Government and further for direction to the respondent not to disturb the peaceful possession of the petitioners over the aforesaid land in view of the fact that the same are ancestral khatiyani land of the petitioners and they have right title over the said land."

The Bihar Land Mutation Act, 2011 contains provisions for cancellation of *Jamabandi*, which the petitioners could invoke.

The petitioners have formulated the points of law,



which this writ application involves in paragraph 3 of the writ application. One of the points of law, which, according to the petitioner, this writ application involves, is as to whether the petitioners have right and title over the land bearing Khata Nos. 1,2,3 and others of Mauza-Ramkola, Thana-Mashrak, Tauzi Nos. 2516 and 2559. Other questions of law, which according to the petitioners, this writ application involves, indicate that the questions of dispute over the title are involved.

Such dispute cannot be gone into in a proceeding under Article 226 of the Constitution of India.

This writ application is disposed of with the observation that the petitioners shall have liberty to invoke statutory remedy for redressal of their grievance or file a title suit for declaration of their title.

(Chakradhari Sharan Singh, J)

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