

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5790 of 2019

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1. Shamsul Hoda, son of Late Md. Suleman,
2. Md. Noorul Hoda, son of Late Suleman
3. Hasan Raja, son of Late Sirajuddin
All resident of village Tiraskund, Ward No. 7, P.S. Forbesganj, District Araria

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Araria
2. The Collector, Araria
3. The Deputy Collector Land Reforms, Araria
4. The Additional Collector, Purnea
5. The Sub Divisional Officer, Forbesganj, Araria
6. The Anchal Adhikari, Forbesganj, Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Wasi Ahmad Khan, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-04-2019 The order passed by the Collector, Araria, dated 30.06.2018, in Jamabandi Restoration Case No. 01 of 2015-16, is under challenge. It appears from the impugned order that one Md. Ali Raja had approached the Collector, Araria, in the light of the observations made by this Court, vide order, dated 19.03.2015, passed in CWJC No. 10427 of 1992, and the petitioners were respondents in that case. The petitioners have a grievance that the land, which has been described in the first page of the impugned order, belongs to him and it was out of mistake that the same has been recorded in the name of State of Bihar in the record of rights in the revisional survey entry.



Paragraph 7 of the order under challenge is the conclusion part, wherein the Collector appears to have concluded upon examination and analysis of all materials on record that the land has been recorded in the revisional survey as Government land. It has been mentioned in the impugned order that the petitioners could not produce before him any concrete material and evidence to establish their case.

On perusal of the impugned order, I find that the claim, which the petitioners are raising, in fact, involves question of title and possession in respect of the land in question. It is the petitioners' case that they are in possession over the said land. This Court, exercising writ jurisdiction, cannot record any finding in this regard which can be cogitated before a civil court. The petitioners shall have the liberty to approach competent court of civil jurisdiction for declaration of their title and possession.

This application is disposed of with the observation, as above.

It goes without saying that if the area, in question, has been notified under the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (in short, 'the Act'), and the consolidation proceedings are still pending, the petitioners



shall have the liberty to raise the issue before the competent authority under the Act, raising their claim, which shall be decided in accordance with law.

(Chakradhari Sharan Singh, J.)

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