

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12903 of 2019

1. Singheshwar Prasad Chaudhary @ Singeshwar Pd. Chaudhary son of Late Titan Chaudhary. resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
2. Narayan Chaudhary @ Narayan Prasad Chaudhary son of Late Titan Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
3. Pramod Chaudhary @ Prem Prakash Chaudhary, son of Late Titan Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
4. Mritunjay Chaudhary, son of Late Hargauri Chaudhary, resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
5. Janmajay Chaudhary son of Late Hargauri Chaudhary, resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, jamui
4. The Land Reforms Deputy Collector, Jamui
5. The Circle Officer, Chakai in the district of Jamui.
6. Kamdeo Chaudhary Son of Late Sarblal Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
7. Angraj Chaudhary Son of Late Manbharan Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
8. Mahadeo Chaudhary son of Late Sundar Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
9. Ashok Chaudhary son of Late Mathura Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
10. Birendra Chaudhary son of Late Mathura Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
11. Surendra Chaudhary son of Late Jag Dular Chaudhary resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
12. Bikas Chaudhary son of Late Kripal Chaudhary, resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.
13. Badri Nath Chaudhary, son of Late Jai Kumar Chaudhary, resident of Village - Garhi Tola Simra Tilha, Police Station - Chakai in the district of Jamui.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-07-2019 Heard learned counsel for the parties.

2. An order dated 23.10.2018, passed by the Bihar Land Tribunal, Patna in BLT Case No. 1255 of 2015 is under challenge in the present writ application, whereby the learned Member of Tribunal has refused to interfere with an order dated 13.01.2012 passed by the Deputy Collector Land Reforms, Jamui in Jamabandi Correction Case No. 14 of 2010-11 and also the order dated 07.11.2013, passed by the Collector, Jamui in Revision No. 04 of 2012.

3. On perusal of the pleadings in the writ petition and the order passed by Tribunal, it is manifest that there is element of dispute over title and possession in respect of the land in question between the petitioners and the private respondent Nos. 6 to 13. It appears that private respondents had approached the Deputy Collector Land Reforms for rectification of Jamabandi, which was standing in the name of Titan Choudhary, the ancestor of these petitioners. The said application for rectification was allowed by the Deputy Collector Land Reforms and a direction was accordingly issued to the Circle Officer. An appeal was thereafter preferred by the petitioners before the Collector, Jamui who affirmed the order of the Deputy Collector Land Reforms by his order dated 13.01.2012 passed in Mutation Rectification case No. 14 of 2010-11. The said order became subject matter of challenge in the BLT Case No. 1255 of 2015, which has been dismissed by the impugned order.



4. The proposition of law that disputed questions of title cannot be adjudicated upon by revenue Courts under the Bihar Land Mutation Act or B.L.D.R. Act is unexceptionable.

5. Learned counsel for the petitioners admits that the dispute involves complex question of facts. He further contends that the petitioners are still in peaceful possession over the lands in question.

6. In such view of the matter, this application is disposed of with the observation that if any title suit is filed by either of the parties in respect of the land in question, findings recorded by the Tribunal or the revenue Courts below shall not prejudice their cases in any manner to the extent the same relates to question of respective title or possession of the parties.

7. This application stands disposed of with the aforesaid observations and directions.

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(Chakradhari Sharan Singh, J)

