

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9444 of 2009

1. Dinesh Kumar Sah
2. Jai Chand Prasad Sah
 both 1&2 sons of Late Jiwan Sah
3. Jagarnath Panjiyar, son of Late Badri Narayan Panjiyar
 All 1-3 resident of Mohalla Barbanna Tola, M.G. Road, Katihar, P.S.+
District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Department,
Govt. of Bihar, Patna
2. The District Magistrate, Katihar
3. The Additional Collector, District Collectorate, Katihar
4. The D.C.L.R., Katihar
5. The Circle Officer, Katihar Block, Katihar
6. The Anchal Adhikari, Katihar Block, Katihar
7. Narayan Chandra Sah @ Naru
8. Gautam Sah
 both sons of Late Balram Chandra Sah
9. Raghunath Panjiyar, son of Late Badri Nath Panjiyar,
 7-9 resident of Barban Tola, M.G. Road, Katihar, P.S.+ District Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
Mr. Ayush Kumar, Advocate
For the Respondent/s : Mr. GP-8

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

11 29-07-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking quashing of order dated 26.03.2009, passed by the learned Additional Collector, Katihar in Mutation Case No. 777/2002-03 whereby he has set aside the order dated 09.10.2002, passed by the Deputy Collector, Land Reforms, Katihar in Mutation Appeal No. 100 of 2002.

3. Mr. Ranjeet Kumar, learned counsel appearing on



behalf of the petitioners assailing the impugned order has made various submissions right from the competence of the Additional Collector to pass the impugned order to the propriety and legality of the impugned decision. I need not go into such aspects of the matter since admittedly a title suit is pending between the petitioners and respondents no. 7 and 8 in respect of the land which is subject-matter of the present writ application and has been subject-matter of the mutation proceeding in question.

4. Learned counsel for the petitioners has claimed that petitioners are still in possession over the land in question.

5. Be that as it may, since a title suit is pending between the contesting parties, it would be an exercise in futility for this Court to go into the nature of dispute which has been attempted to be raised in the present writ application.

6. This writ application is, thus, disposed of with only observation that the findings of the authorities under the Bihar Tenants Holdings (Maintenance of Records), Act, 1973(Bihar Act 28 of 1975)(since repealed) shall not prejudice the case of either of the parties in the title suit.

(Chakradhari Sharan Singh, J)

Rajesh/-

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