

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10315 of 2009

- 1.1. Etvaria Devi Wife of late Chandradip Prasad
- 1.2. Raj Kumar Prasad Son of late Chandradip Prasad
- 1.3. Tulsi Prasad Son of late Chandradip Prasad
- 1.4. Nandlal Prasad Son of late chandradip Prasad
2. Triveni Prasad, son of Late Bhuwan Gope
3. Sidhnath Yadav All sons of late Bhuwan Gope,

All are resident of Village Raja Bigha, Dharamshala, P.S. Paraiya, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Addl. Collector, Gaya.
- 3.1. Sangita Devi
- 3.2. Kanchan Devi
Both daughters of late Niranjana Singh both Resident of Village Rajpur, P.S. Paraiya, District-Gaya.
4. Baldev Yadav Son of Balkishun Yadav Resident of Village- Ghokda, P.O. Cherki, P.S. Gurua, District- Gaya.
5. Mukesh Kumar Son of Baldev Yadav Resident of Village- Ghokda, P.O. Cherki, P.S. Gurua, District- Gaya.
6. Puja Kumari D/o of Baldev Yadav Resident of Village- Ghokda, P.O. Cherki, P.S. Gurua, District- Gaya.
7. Seema Kumari D/o Baldev Yadav Resident of Village- Ghokda, P.O. Cherki, P.S. Gurua, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Verma, Sr. Adv. Mr. Gaurav Govind
For the State	:	Mr. Sunil Kumar Mandal, SC 3 Mr. Arjun Prasad, AC to SC 3 Mr. Bipin Kumar, AC to SC 3 Mr. Ravi Ranjan Kumar Singh, AC to SC 3
For contesting respondents:		Mr. Chitranjan Sinha, Sr. Adv. Mr. A. D. Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

17 03-04-2019

This matter has been placed with certain office note.



However, considering the nature of dispute, which this writ application involves, with the consent of the parties, this application is being disposed of at this stage itself.

I have heard Mr. Rajeev Kumar Verma, learned Senior Counsel, appearing on behalf of the petitioners and Mr. Chitranjan Sinha, learned Senior Counsel, appearing on behalf of the contesting respondents. Mr. Sunil Kumar Mandal, learned Standing Counsel No. 3, has also assisted this Court.

The petitioners have put to challenge an order, dated 01.06.2000, passed by the Additional Collector, Gaya, in Rent Fixation Appeal No. 33 of 1999-2000. By the impugned order, dated 01.06.2000, the Additional Collector, Gaya, has set aside an order, dated 05.03.1999, passed by the Deputy Collector Land Reforms, Tekari, Gaya, in Case No. 01 of 1998-99. By the said order, dated 05.03.1999, on an application made by the petitioners for fixation of rent, the same was allowed and rent was fixed, against which the contesting respondents had preferred appeal, which came to be allowed by the impugned order, dated 01.06.2000.

Learned Senior Counsel appearing on behalf of the petitioners and the contesting respondents agree that the present dispute between them involves complex questions of title and



possession in respect of the land, which has been subject matter of a mutation proceeding and subsequent impugned order, dated 01.06.2000, which can be adjudicated only by a competent court of civil jurisdiction in a title suit.

There cannot be any dispute that the orders passed by the Deputy Collector Land Reforms, Tekari, Gaya, and the Additional Collector, Gaya, cannot amount to determining the questions of title of the parties to the dispute.

As agreed by learned Senior Counsel representing the petitioners and the contesting respondents, this application is disposed of with a liberty to the parties to approach competent court of civil jurisdiction by way of filing suit for declaration of their respective rights, title and interest.

It is indicated that no finding recorded either by the Deputy Collector Land Reforms, Tekari, Gaya, in his order, dated 05.03.1999, or the Additional Collector, Gaya, in his order, dated 01.06.2000, shall prejudice case of the parties in the title suit.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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