

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1817 of 2017

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Md. Usman son of Late Maulbi Abdul Subhanjee, resident of Mohalla-Sakunat, P.S. and district Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Department, New Secretariat, Patna
2. The Circle Officer (CO) under district Shikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Kumar
For the State	:	Mr.Md. Khurshid Alam- AAG-12
		Mr. Arun Kumar Bhagat, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-02-2019 Heard learned counsel for the parties.

The petitioner is seeking a direction for mutation of a piece of land appertaining to Khata No. 17, Khesra No. 17, area 19 decimals, Mauza Ahiyapur in the district of Sheikhpura, which is said to have been purchased on 16.07.1975 through a registered sale deed.

A counter affidavit has been filed on behalf of the State of Bihar, sworn by the Circle Officer, Sheikhpura, stating therein that the land, in question, which has been entered into the Khatiyana as Gairmazarua Aam Talab (pond) as 'Shyama Pokhar', has been encroached upon by the petitioner. It is also stated that in a rent fixation case, certain order was passed in



favour of the petitioner by the Land Reforms Deputy Collector, Sheikhpura in Rent Fixation Case No 34/2014-15. However, an Appeal Case No. 01/2016-17 has been registered against the order of the Deputy Collector Land Reforms, which is pending.

In view of the dispute, which has been raised on behalf of the State of Bihar, the claim of the petitioner cannot be sustained in the present proceeding under Article 226 of the Constitution of India.

The petitioner shall be at liberty to prefer a duly framed suit in a competent court of civil jurisdiction, seeking declaration of his right, title and interest in the disputed land.

The writ application stands disposed of with the observation, as above.

(Chakradhari Sharan Singh, J)

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