

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2073 of 2016

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Smt. Rinki Devi W/o Sri Rajesh Kumar, resident of Village- Nathupur,
Pathani, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Member, Bihar Land Tribunal, Patna Bihar.
3. The Commissioner, Patna.
4. The Deputy Collector Land Reforms, Patna.
5. Sri Prakash Chand @ Prakash Prasad, S/o Late Sheo Narayan Mahto.
6. Sri Chandrika Prasad S/o Sri Prakash Chand Serial No. 5 and 6 Resident of Mohalla Radha Krishna Colony, Road No. 1, Beur More, Near By- Pass Road, P.S.- Beur, P.O- Anishabad, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. T.N.Maitin, Sr. Advocate Mr.Bishwa Nath Chaudhary
For the State	:	Mr. Rewti Kant Raman, AC to SC
For respondent 5 & 6	:	Mr. Diwakar Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 25-02-2019 Heard learned counsel for the parties.

In a proceeding under the Bihar Land Disputes Resolution Act, 2009, initiated at the instance of the contesting respondent nos. 5 and 6, giving rise to Land Dispute Case No. 81/2013-14, the Deputy Collector Land Reforms, Patna Sadar had declared the title and possession in favour of the said contesting respondents by order dated 21.12.2013, passed in the said Land Dispute Case No. 81/2013-14. The order of the Deputy Collector Land Reforms has been affirmed subsequently up to the court of Divisional Commissioner and the Bihar Land Tribunal,



Patna.

I have heard the learned Senior Counsel, appearing on behalf of the petitioner, learned AC to SC-11 Mr. Vikas Kumar and Mr. Diwakar Pd. Singh, learned counsel for the private respondent nos. 5 and 6.

This is not in dispute that in relation to the same piece of land, a title suit being Title Suit No. 567 of 2002 is pending, which also involves the question of title and possession of respondent no.2 vis-a-vis the vendor of the petitioner.

In the light of the Division Bench decision of this Court in the case of **Maheshwar Mandal and others Vs. State of Bihar and others**, reported in **2018 (3) PLJR 1007**, in my view, the revenue court having limited jurisdiction under the Bihar Land Disputes Resolution Act, 2009, could not have adjudicated upon the complex question of title and possession. In my view, the findings recorded by the revenue court to the extent the same relate to declaration of title and possession of the parties, cannot be said to be conclusive and are interfered with to that limited extent.

This writ application is accordingly disposed of



with a clear observation that any finding recorded by the revenue court up to the Bihar Land Tribunal, shall not prejudice the case of the parties before the court below in Title Suit No. 567 of 2002.

HR/-

(Chakradhari Sharan Singh, J)

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