

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2515 of 2019

In
Civil Writ Jurisdiction Case No.3376 of 2018

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Nagina Devi W/o Late Shyam Nath Singh Resident of Mohalla-Chandpur
Bela, P.S. Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary Prohibition and Excise Department, Government of Bihar, Patna.
2. The Commissioner, Prohibition and Excise Department, New Secretariate, Patna.
3. The District Magistrate Patna.
4. The Superintendent of Police Patna.
5. The Officer-Incharge of Jakkanpur Police Station District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Pushkar Narain Shahi (AAG 6)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 31-07-2019 Heard learned counsel for the petitioner and learned
counsel for the respondent State.

Petitioner in the present case is seeking a modification of our previous order dated 9.4.2018 by which, while directing release of the property in question and unsealing thereof, this Court had directed the petitioner to furnish the original title deed of the property in question with two local sureties to the satisfaction of the District Magistrate-cum-Collector, Patna.



It appears that in the light of the order of this Court, the District Magistrate-cum-Collector, Patna has passed an order as contained in Memo. No.305 dated 27.3.2019 which has been brought on record as Annexure-2 with the supplementary affidavit filed on behalf of the petitioner. A perusal thereof would show that in course of verification of the property in question, it has been valued at a minimum sum of Rs.4,00,000/- and, accordingly, the Circle Officer, Patna Sadar has submitted a report based on which the Collector has directed the petitioner to furnish the original title deed along with two sureties of the like amount each.

Learned counsel for the petitioner has placed before us a copy of the partition deed said to have been prepared between the co-sharers. It is contended that the petitioner has furnished oral partition deed in respect of the properties which have fallen in her share.

On perusal of the partition deed as also the revenue receipts, however, we are unable to find out as to the correct Khata and Khesra number which may be co-related with the rent receipts. It is apparent from the report that the property seems to be an ancestral property which the petitioner has succeeded through her husband.



In the said circumstances, we direct the District Magistrate-cum-Collector, Patna to look into the documents which the petitioner has brought on record before this Court, get himself satisfied with the same and, in case it is found that the property in question is the ancestral property, in respect of which original title deed may be produced by the petitioner, and the documents such as the partition deed and the rent receipts are prima facie showing the right and ownership of the petitioner with respect to the property in question, the District Magistrate shall consider the same in place of the original title deed and accept the same for purpose of release of the properties. The other conditions imposed by him vide Annexure-2 to the supplementary affidavit which have been discussed hereinabove, shall stand as it is.

The application stands disposed of.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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