

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16256 of 2019

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Yugal Kishore Rai Son of Yamuna Rai, Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Chairman, Bihar Land Tribunal, Patna.
3. The Collector, Gopalganj.
4. The Land Reforms Deputy Collector, Hathua.
5. The Circle Officer, Kateya.
6. Vidya Rai, Son of Rajbali Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
7. Uma Shankar Rai Son of Late Suryabali Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
8. Rupsudan Rai Son of Late Suryabali Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
9. Hari Shankar Rai Son of Late Suryabali Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
10. Devendra Rai, Son of Ambika Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
11. Brajdeo Rai @ Nakha Rai Son of Late Yamuna Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
12. Yogendra Rai Son of Late Yamuna Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
13. Yogesh Rai Son of Late Lalita Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
14. Sushant Rai @ Shushant Kumar Rai Son of Late Birendra Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
15. Rup Rai Son of Late Birendra Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
16. Praful Chandra Rai @ Prful Rai Son of Late Bachchan Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
17. Sushil Rai Son of late Jairam Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
18. Vinod Rai Son of Late Jairam Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
19. Upendra Rai Son of Janak Raj Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
20. Ajay Kumar Rai Son of Janak Raj Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj



21. Mahabir Rai Son of Pramod Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
22. Abhishek Kumar Gopaljee Son of Pramod Rai Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj
23. Abhay Kumar Son of not Known Resident of Village-Rasauti, Police Station-Kateya, District-Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms..Sangeeta Sharma
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-08-2019 Heard learned counsel for the parties.

2. The petitioner has put to challenge an order of the learned Member (Administrative), Bihar Land Tribunal in B.L.T. case No. 699 of 2015 dated 26.10.2018, whereby he has dismissed the petitioner's application preferred against an order dated 28.02.2015, passed by the Collector, Gopalganj in Jamabandi Correction Appeal No. 04 of 2010. The Tribunal, agreeing with the view of the Collector, Gopalganj, has recorded in the impugned order that since the matter involved question of title, the same could not be decided before the Revenue Court.

3. Ms. Sangeeta Sharma, learned counsel appearing on behalf of the petitioner has assailed the impugned order and has submitted in no circumstance, Jamabandi which was earlier running in the name of the petitioner could have been altered and the Revenue authority ought to have corrected Jamabandi



standing in the name of the private respondents.

4. I have perused the impugned order. The essential facts for adjudication of the present case, as disclosed in the order impugned is not in much dispute. The petitioner had filed an application before the Deputy Collector Land Reforms, giving rise to Misc. Case No. 15 of 2009-10 for correction of Jamabandi. By an order dated 21.07.2010, the Deputy Collector Land Reforms had directed the Circle Officer, Kateya to verify the facts and take steps for Jamabandi correction. On the one hand, the petitioner questioned the correctness of the order dated 21.07.2010 by filing Misc. Appeal No. 04 of 2010-11 before the Collector, Gopalganj, in the light of the said order dated 21.07.2010, the Circle Officer, Kateya, on the other, appears to have got registered Jamabandi Correction Case No. 25 of 2010-11. The said Jamabandi Case No. 25 of 2010-11 was dismissed by an order dated 18.05.2011 by the Deputy Collector Land Reforms recording his opinion that since complicated question of title was involved, no order could be passed until the title was decided. The petitioner, indisputably, chose not to question the correctness of the said order dated 18.05.2011.

5. Ms. Sharma, learned counsel has submitted that failure on the part of the petitioner to question the correctness of



the order dated 18.05.2011 is not detrimental to the petitioner's interest, who was pursuing his Appeal No. 4 of 2010 before the Collector, Gopalganj.

6. What is, however, evident from the pleadings on record and the order impugned that the dispute involves a question of title, which cannot be adjudicated upon by the Revenue court and opinion recorded by the revenue Court's cannot be said to be suffering from any legal infirmity.

7. I do not find any illegality in the impugned order of the Tribunal. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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