

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22177 of 2019

1. Arun Kumar
2. Binod Kumar
Both S/o Late Nand Kishore Singh R/o Vill. and P.O.- Achhua, P.S.- Dulhin Bazar, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. Principal Secretary, Revenue and Land Reform Department, Bihar, Patna
3. District Collector, Patna
4. Land Reform Deputy Collector, Paliganj, Patna
5. Circle Officer, Dulhin Bazar, Patna
6. Smt. Jharokha Devi W/o Ram Bachan Singh Resident of Village- Musarhi, P.S.- Kurtha, Distt.- Arwal (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-11-2019 Heard both sides.

The petitioners filed this writ petition to quash the order dated 16.08.2019 passed in B.L.T. Case No.461 of 2019 passed by the learned Chairman, B.L.T. by which the order passed by the D.C.L.R. in Demarcation Case No.104/2017-18 and the order passed by the Commissioner in B.L.D.R. Appeal No.75 of 2018 have been confirmed.

Learned counsel for the petitioners submits that Ramdhari Singh got two wives namely, Indri Devi and Hulasi Devi. Indri Devi died issueless in the year 1990. Hulasi Devi got



three daughters namely, Prabhawati Devi, Jharokha Devi and Urmila Devi. Ramdhari Singh gifted 6 acres and odd land to the petitioners in the year 1981 and with regard to the remaining land, Ramdhari Singh executed a Will which was later on probated. It is further submitted that Jharokha Devi filed petition for demarcation of the land gifted to her by Indri Devi, the first wife of Ramdhari Singh. It is submitted that petitioners appeared and objected the demarcation of the land on the ground that Indri Devi gifted the land beyond her share in favour of Jharokha Devi. It is submitted that the land of the petitioners cannot be demarcated on the basis of such gift deed but I find no substance in the submission of the learned counsel for the petitioners as in the demarcation case, the title of a party or genuineness of the gift deed cannot be decided. The D.C.L.R. as well as the Commissioner in appeal only ordered for demarcation of the land of the respondent No.6 on the basis of the gift deed executed by Indri Devi, her step mother. The contention of the learned counsel for the petitioners is with regard to the legality and propriety of donor of the land and in a demarcation case the legality and propriety of the donor of the land cannot be looked into and for that the proper course is to file suit.



Having considered the facts, I do not find any merit in
the writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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