

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.856 of 2018

In
Civil Writ Jurisdiction Case No.9607 of 1996

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Achhyutanand Yadav @ Achyutanand Yadav, Son of Late Baldeo Yadav @
Baldeo Mahto, Resident of Village- Kumarpur, P.S.- Phullidumar, District-
Banka now Bhagalpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Anchal Adhikari, Sambhuganj, District- Banka.
3. The land Reforms Deputy Collector, Banka.
4. The District Magistrate, Banka.
5. The Additional Collector, Banka.
6. The Commissioner, Bhagalpur Division, Bhagalpur.
7. Most. Shanti Devi, W/o Late Ram Bilash Singh.
8. Tripurari Singh, Son of Late Ram Bilash Singh.
9. Sujit Singh, S/o Late Ram Bilash Singh,
Respondent No. 7 to 9 Resident of Village- Kumarpur, P.S.- Phullidumar,
District- Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Md.Khurshid Alam -Aag12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-12-2019

Appellant has prayed for the following relief:

“This memo of appeal is directed against
the judgment and order dated 11.05.2018 passed
by the Hon’ble Mr. Justice Prabhat Kumar Jha in
CWJC No. 9607/1996 whereby and whereunder
the Hon’ble Single Judge has dismissed the writ
application without considering that the appellant



having residential house and has also acquired right of adverse possession.”

The operative portion of the impugned order reads as under:

“Learned counsel for the petitioner submits that the petitioner claimed the land on the basis of registered Kabuliyat but it appears that when the name of the petitioner was mutated, the villagers filed Title Suit No. 34/1959 in the court of Munsif and the Munsif found that the nature of land is gair majarua aam and the land of Khata No. 72, Khesra No. 534 and 604 measuring area 2.52 decimals is in the use of common villagers. The petitioner filed appeal against the judgment and decree passed by Munsif in T.S.No. 34/1959 and the same was dismissed. The petitioner again filed Second Appeal before the High Court and S.L.P. before the Apex Court, which were also dismissed. In pursuance thereof, during the Consolidation proceeding, the nature of the land was mentioned as Gair Majarua Aam.

Learned counsel for the respondents also submits that the petitioner has lost the case in all the courts. Very recently, the petitioner lost the case in B.L.T.

Considering the fact that the dispute has been settled by the Civil Court with regard to nature of land and the Jamabandi standing in the name of the petitioner has already been cancelled, I find no merit in this writ petition.”



The issue having been settled by the Civil Court, the learned single Judge has rightly dismissed the writ petition in the aforesaid terms. We find no infirmity or illegality in the impugned order.

Accordingly, the appeal is dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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