

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3034 of 2020

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Deo Sharan Uraon, aged about 71 years, Gender-Male, Son of Kusiya Uraon
@ Khusi Lal Uraon, Resident of Mohalla-Shishobari, Police Station-Purnea
Sadar, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue,
Government of Bihar, Patna.
2. The Collector, Purnea.
3. The Circle Officer, Purnea Sadar, District-Purnea.
4. Faizuddin Ansari, Predecessor Circle Officer, Purnea Sadar, District-Purnea.
5. The Circle Inspector, Purnea Sadar, District-Purnea.
6. The Basudeo uraon Son of Etbari Uraon
7. Dilip Uraon Son of Deo Sharan Uraon
8. Manoj Uraon Son of Deo Sharan Uraon
9. Manish Uraon Son of Deo Sharan Uraon
Respondents No. 6 to 9 are resident of Mohalla- Sant Kanwariya, Bandh
Tola (Belari), Police Station-Mufassil, District- Purnea.
10. Syed Iftexhar Ahmad Son of Najair Ahmad, Resident of Mohalla-Maulvi
Tola, Police Station-Madhubani, District-Purnea.
11. Rahul Kumar Son of Late Sachchida Nand Yadav, Resident of Mohalla-
Rambagh, Police Station-K. Hatt, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Achintya Anand, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25
For the Respondent No. 7	:	Mr. Samir Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioner and learned SC
25 for the State.

2. The petitioner has moved the Court for the following
reliefs:



“1. (i) That an appropriate writ may be issued quashing the order dated 21.10.2016 as contained in Annexure-5, after proper enquiry passed in Misc. Application No. 226/2016 under Section 49G of Bihar Tenancy Act, by which the Collector (Respondent No.2) granted permission to one Sugiya Devi for selling land in question on the basis of report submitted by Circle Officer, Purnea Sadar (Respondent No. 4) without issuing notice to the other share holders/and the petitioner without hearing the share holders of the property.

(ii) And pass such other order or orders for which the petitioner is found entitled.”

3. The petitioner claims to be husband of Sugiya Devi in favour of whom the Collector, Purnea had granted permission by order dated 21.10.2016 to sell 0.48 acres of land.

4. Learned counsel for the petitioner contended that thereafter his wife passed away on 18.05.2017, which fact was recorded in the official register on 30.05.2017, for which certificate has also been issued. Learned counsel submitted that the respondent no. 6 has got a fraudulent Power of Attorney purportedly executed by his wife on 15.11.2017, by getting a different lady to appear before the Registering Authority. It was submitted that from the registration of death of the wife of the petitioner on 30.05.2017, the Power of Attorney executed on 15.11.2017 itself become fraudulent. It was submitted that the respondent no. 6, based on such Power of Attorney has also



executed sale deeds to various persons for part of the said 0.48 acres of land.

5. In view of the relief claimed, though the Court finds that there is strong presumption with regard to contention of the petitioner being correct, since there is a death certificate with regard to the wife of the petitioner having died on 18.05.2017, and much after that the respondent no. 6, getting Power of Attorney from her executed/registered, based on which he has executed sale deeds in favour of various persons, the Court in its present jurisdiction under Article 226 of the Constitution of India does not consider it appropriate to go into such issues which are to be adjudicated purely on facts after adducing evidence and arriving at findings, for which, the petitioner has to institute appropriate proceedings, before the appropriate authority, in accordance with law, both on the civil as well as criminal side, for cancellation of the sale deeds/Power of Attorney as also for alleged criminal and fraudulent act of the respondent no. 6 of getting Power of Attorney in his favour purportedly from the wife of the petitioner, who had died months prior to execution of such Power of Attorney.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to institute appropriate civil and criminal proceedings, as he may deem fit and proper, before the



appropriate forum, in accordance with law, which shall be considered on its own merits, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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