

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12635 of 2019

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Kumar Gaurav, Male, aged about 22 years, Son of Late Jagdish Prasad @ Jagdish Prasad Gupta, resident of Gaya Road Bhadauni, Nawada, P.S. Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Nawada.
2. The Collector, Nawada.
3. The Deputy Collector Land Reforms, Rajauli, District- Nawada.
4. The Circle Officer, Akbarpur, District- Nawada.
5. The Sub-Registrar, Rajauli, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, S.C.19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 25-11-2020 Heard Mr. Vinod Kumar, the learned counsel for the petitioner and Mr. Rishi Raj Sinha, the learned S.C. 19 through video conferencing.

The petitioner in this writ petition seeks direction to the respondent for release of the land appertaining to Khata No.279, Khesra No.782, 806, measuring an area 2 Acres 19 Decimals, situated in village Barail, P.S. Akbarpur, District Nawada. The petitioner purchased Plot No.491, Khata No.165, measuring an area 2 Acres 20 decimals situated in village Barail, P.S. and Circle Akbarpur, Rajauli, District Nawada from Khatiyani raiyat Krishna Prasad Bhojpuri, Vishwanath Prasad



Bhojpuri, both sons of Late Gopal Prasad Bhojpuri by a registered sale deed dated 24.07.2018. During the revisional survey, R.S. Plot No.782, measuring an area 1 Acre and 1 Decimal and R.S. Plot No.806 measuring an area 1 Acre 22 Decimals of R.S. Khata No.279 were wrongly mentioned as *Abaidh Dakhaldar Triveni Prasad Singh*'. Some wrong entry was made in the revisional survey for that Krishna Prasad Bhojpuri and Vishwanath Prasad Bhojpuri filed Title Suit No.202 of 2013. The suit was decreed. The petitioner got his name mutated but the revenue authority is not correcting the record of rights and, therefore, the petitioner could not be able to sell the lands.

Learned counsel for the State submits that the State has already filed appeal against the judgment and decree passed in Title Suit No.202 of 2013 and the appeal is pending. The petitioner may file execution case if the judgment and decree is not executed. In the writ jurisdiction, a direction cannot be issued to correct the record of rights during the pendency of the appeal against the judgment and decree directing the revenue authority to make correction in the record of rights.

Having considered the submissions, I find that the vendor of the petitioner had filed Title Suit No.202 of 2013 for



making correction in the record of rights as some wrong entry were made during the revisional survey. The suit was decreed but the State of Bihar filed appeal being Title Appeal No.27 of 2019. The matter is sub-judice in appeal, therefore, in writ jurisdiction, I am of the opinion, that direction cannot be issued to correct the record of rights, as ordered by the Munsif by judgment and decree passed in Title Suit No.202 of 2013, against which the appeal is pending, during the pendency of the appeal.

Accordingly, I do not find any merit in this writ petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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