

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.858 of 2019

In

Civil Writ Jurisdiction Case No.7596 of 2017

Sanjeet Kumar @ Sanjeet Kumar Rai Son of Late Rameshwar Rai Resident of
Village- Dudahi, P.S.- Babubarhi, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner Darbhanga Division Darbhanga.
3. The Collector Cum District Land Acquisition Officer Madhubani.
4. The Additional District Magistrate Madhubani.
5. The Circle Officer of Babubarhi Anchal of Madhubani District.
6. The Revenue Clerk of Dudahi Mouja of Babubarhi Anchal Madhubani,.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Jha, Adv.

For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 20-02-2020 The appeal filed on 26.07.2019 is listed for hearing
for the first time today before the Court.

The instant appeal is directed against the judgment
dated 17.06.2019 passed by a learned Single Judge in C.W.J.C.
No.7596 of 2017.

In view of the disputed questions of facts with regard
to the petitioner's right/title over the suit land, the learned Single
Judge rightly held the writ petition not to be maintainable
reserving liberty to the writ petitioner to take all legal recourse



as is otherwise available to him including filing of civil suit.

The title is exerted on the basis of a document which, in fact, records the owner to be Anabad Bihar Government and entry conferring right upon the petitioner is disputed by the State for the original of such document is not available nor was the Officer making such entry competent to do so.

Under the Act, right can be conferred only by the competent authority and not by a lower functionary in the administration authorised to maintain the record.

In this view of the matter, it cannot be held that the learned Single Judge committed any illegality or there is any perversity in the judgment in rejecting the impugned order.

In that view of the matter, the instant appeal is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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