

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.184 of 2020

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Tara Devi @ Tara Kumari W/o Late Baban Singh Resident of Village-
Basdeopur, P.o.- Lahang Dumaria, P.s.- Bihia, District- Bhojpur, Pin-802154

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Registration Revenue Dept., Bihar, Patna
2. The District Magistrate Bhojpur
3. The Sub Divisional Magistrate (S.D.M.) Jagdishpur, Bhojpur
4. Land Reforms, Deputy Collector Jagdishpur, Bhojpur
5. The Block Circle Officer Bihia, Bhojpur
6. Mantosh Kumar Singh S/o Late Radha Mohan Singh Resident of Village- Basudeopur, P.o.- Lahang Dumaria, P.s.- Bihia, District- Bhojpur
7. Mahendra Yadav S/o Late Khelari Yadav Resident of Village- Basudeopur, P.o.- Lahang Dumaria, P.s.- Bihia, District- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Singh
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-01-2020 Heard both sides.

The petitioner has filed this writ petition for a direction upon respondent No.2 to cancel the sale deed dated 31.01.2019 executed by respondent No.6 in favour of respondent No.7.

The learned counsel for the petitioner submits that the petitioner has already been separated from respondent No.6 through Khangi Batwara but respondent No.6 is also claiming the land of her share. The respondent No.6 filed Partition Suit



No. 101 of 2018 but during the pendency of partition suit he illegally executed sale deed in favour of respondent No.7 with regard to land in question, which was already been allotted in favour of the petitioner, who is a widow.

On the basis of submissions, I find that there is bonafide dispute with regard to partition of the land. The petitioner claims that she got the land in her share in Khangi Batwara but respondent No. 6 filed Partition Suit No. 101 of 2018 for partition of the ancestral lands, including the land in question. During the pendency of the Partition Suit No. 101 of 2018 respondent No.6 executed the sale deed.

This court in writ jurisdiction cannot direct the respondent No.2 to cancel the sale deed unless it is proved that respondent No.6 had no title over the land and the land in question fell in the share petitioner and this question of title can not be decided in this writ petition on the question of disputed facts.

Having considered the facts, I find no merit in this writ petition and the same is, accordingly, dismissed.

BKS/-

(Prabhat Kumar Jha, J)

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