

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6119 of 2020

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Chulhai Singh Son of Late Shiv Narayan Singh @ Shiv NA. Singh, Resident
of Village-Chaksakra, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Department, Government of Bihar, Patna.
2. The Secretary, Revenue Department, Government of Bihar, Patna.
3. The Director Consolidation, Bihar at Patna.
4. The District Magistrate, Vaishali.
5. The Additional Collector, Vaishali.
6. The Deputy Collector Land Reforms, Vaishali.
7. The Deputy Director Consolidation, Vaishali.
8. The Circle Officer, Hajipur, Vaishali.
9. Sita Ram Choudhary, Son of Late Hari Narayan Choudhary, Resident of Village-Vaishali.
10. Dipi Ray, Son of Sri Krishna Prasad Ray, Resident of Village-Lalpokhar, Jagdishpur, P.S.-Hajipur Sadar, District-Vaishali.
11. Shivilal Paswan, Son of Dashrath Prasad, Resident of Village-Panapur, Gorahi, P.S.-Hajipur Sadar, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 30-08-2022 Heard the parties.

The mutation in favor of the petitioner does not give him any final right in the matter since the matter is to be decided finally by the Civil Court.

The dispute in the present case is basically in the nature of title dispute which can not be decided by this court in writ proceeding.



The petitioner is claiming the land whereas on the other hand, the private respondents have also claimed the land.

It is no doubt that very old mutation has been cancelled by the State and new mutation has been done in favour of the private respondent in the year 2004. Though the petitioner has been agitating this cancellation matter before different forums and he has lost finally and has approached this Court in writ jurisdiction.

In the opinion of this Court the petitioner is well advised to approach the competent Civil Court for declaration of his right, title and interest in respect of land/ property in question.

If the petitioner files the title suit before the appropriate Civil Court within eight weeks from today, then the same shall be decided by the Civil Court within two years of its filing. If the petitioner files an injunction petition in the title suit, the same shall be decided within four weeks of its filing. The Civil Court will not grant unnecessary adjournment in the case either to the parties and in case the petitioner stops taking interest, his suit shall be dismissed and in case the private respondents do not appear in the suit, the suit shall proceed ex-parte.



It has been submitted by the learned counsel for the petitioner that the land in question is in possession of the petitioner which has been disputed by the respondent. The Civil Court while passing the injunction order will consider all the facts and if there is threat of dispossession or sale of land then the court below will pass its order.

The petitioner and the respondent have jointly submitted that they will maintain the status quo in respect of land during the pendency of the title suit.

With aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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