

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15909 of 2015

=====

Jogendra Ballani @ Murli Manoar Ballani Son of Late V.P. Ballani, Resident of Villaeg - Dilahi, P.S. - Bishanpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Darbhanga, at P.S. & P.O. Laheriasarai, District Darbhanga.
2. The Additional Collector, Darbhanga.
3. Deputy Collector, Land Reforms, Darbhanga, at P.S. and P.O. Laheriasarai, District - Darbhanga.
4. I.G. Registration, Bihar, Patna.
5. District Sub - Registrar, Darbhanga at P.S. and P.O. Laheriasarai, District - Darbhanga.
6. The Circle Officer, Hanuman Nagar, Anchal, P.S. - Bishanpur, District - Darbhanga.
7. Raj Kumar Ballani @ Raju Son of Late V.P. Ballani, resident of village - Dilahi, P.S. - Bishanpur, District - Darbhanga, at present residing in 59, Alam Nagar, Shahar, P.S. and P.O. Talkatora Awas Vikas pur Lucknow - 226017, Uttar Pradesh.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar, Adv.
For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to GA-5.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present Writ Petition has been filed seeking direction to the respondent no.7 to restrain him from transferring land which is subject matter of Ceiling Case No.1 of 1991-92 and also for annulling the Kewala executed by respondent no.7 of the land which is subject matter of Ceiling Case No.1 of 1991-92.



3. Learned counsel for the State submits that counter affidavit has been filed in this case and by virtue of said counter affidavit the stand of the State is that the petitioner has already filed a Misc. Case No.98 of 2013 before the Collector, Darbhanga to restrain the respondent no.7 from ceiling the land which covered under Land Ceiling Case No.01 of 1991-92 where the said ceiling case has been pending since long. Learned counsel for the State has taken other stand that the sale-deeds executed by private respondent no.7 may not be cancelled by this Court as it is the domain of the competent Civil Court only.

4. In the light of the submissions made above, this Court is of the view that the sale-deeds which came into existence can be cancelled only after hearing the parties to the sale-deeds where may be disputed question of facts are involved, therefore, those sale-deeds about which the prayer has been made by petitioner shall be cancelled only by competent Civil Court after hearing the concerned parties and hence, this Court is not inclined to grant said relief.

5. So far as the second relief is concerned to restrain the respondent no.7, the said relief also cannot be granted by this Court particularly when he has already filed a Misc. Case



No.98 of 2023 before the Collector, Darbhanga. As such, the present Writ Petition is devoid of any merits.

6. The Collector, Darbhanga is directed to decide the said Misc. Case No.98 of 2023 within a period of 90 days upon hearing the parties.

7. With this observation, the present Writ Petition stands dismissed.

(Dr. Anshuman, J.)

Ritik/-

U			
---	--	--	--

