

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19614 of 2015

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Sri Ram Estate Pvt. Ltd. having its registered office at 59, Maharaja Kameshwar Complex, Fraser Road, P.S. Kotwali, Town and District - Patna through its Director, Rajiv Kumar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate-cum-Collector, Patna.
3. Additional Collector, Patna.
4. Deputy Collector, Land Reforms, Patna Sadar.
5. Circle Officer, Patna Sadar.
6. Saran Shakari Grih Nirman Samiti Ltd., Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nilanjan Chatterjee, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG-6 (Ex.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-10-2023 Heard learned counsel for the parties.

2. Present writ petition has been filed for setting aside order dated 11.04.2015 passed by the respondent No. 3/Additional Collector, Patna in Revision Case No. 23/2011-2012.

3. Learned counsel appearing for the petitioner submits that petitioner is a company registered under the provisions of the Companies Act, 1956 having its place of business within the territorial jurisdiction of this Court and its Directors are citizens of India and reside well within the territorial jurisdiction of this Hon'ble Court. It is next submitted that petitioner purchased land measuring 11 katha 10 dhurs



situated at Mouza Digha, Thana No. 9. Khata No. 1652, Khesra No. 1222 through a registered sale deed No. 16625 dated 19.06.2010 (Annexure-1). After purchase of the aforesaid land, petitioner filed an application, registered as, Case No. 476/2010 for possession before the respondent No. 5/Circle Officer, Sadar which was objected by one Kusum Devi, Secretary of Saran Sahkari Grih Nirman. Upon receipt of such objection, respondent No. 5 forwarded the records of the aforesaid case to respondent No. 4/DCLR, Patna Sadar. It is further submitted that later, without awaiting the view of respondent No. 4, respondent No. 5 decided the matter and issued possession of the aforesaid land in favour of Kusum Devi, Secretary of Saran Sahkari Grih Nirman *vide* an order dated 28.05.2011 (Annexure-2). He further submits that petitioner filed a case before the respondent No. 4 bearing Case No. 29/2010-11 for cancellation of Zamabandi created in favour of the respondent No. 6 which was heard and allowed in favour of the petitioner *vide* order dated 19.07.2011 (Annexure-3) but respondent No. 6 filed revision case bearing No. 23/2011-2012 against the order dated 19.07.2011 before the respondent No. 3/Additional Collector, Patna who set aside the aforesaid order and remanded the matter to the respondent No. 5 for deciding the issue after hearing the



parties (Annexure-4). Learned counsel for the petitioner further submits that a Title Suit has also been filed by the respondent No. 6 in Civil Court bearing Title Suit No. 703/2011 for the same relief as prayed by respondent No. 6 before the respondent authorities.

4. By filing counter affidavit, learned counsel for respondent Nos. 2, 3, 4 and 5 submits that the petitioner and respondent No. 6 have claimed to have purchased the property in question from the vendor and title holder of the land. The respondent No. 6 applied for mutation which was allowed *vide* order bearing Annexure-1 to the writ application. The order was challenged in appeal and the DCLR, Patna Sadar allowed the appeal in favour of the writ petitioner on the basis of possession reported by report dated 28.08.2010. When the Additional Collector, Patna took notice of the fact, he remanded the matter to the Circle Officer expressing doubt on possession of the party. It is further submitted that parties may move and take recourse of Title Suit No. 703 of 2011 pending before the Civil Court, Patna. Lastly, it is countered on behalf of the State Counsel that in view of the proviso to Section 15 of the Bihar Land Tribunal Act, 2009 this matter can well be adjudicated by Bihar Land Tribunal, Patna.



5. Learned counsel for the petitioner does not dispute the position as is existing in the law, hence, petitioner prays for grant of liberty to agitate his grievance elsewhere.

6. Having regard to the facts and circumstances of the case, let the petitioner file afresh application before the Bihar Land Tribunal for adjudication of the matter withing a period of six weeks from the date of production/receipt of copy of this order.

7. This Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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