

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16783 of 2013

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Rameshwar Prasad Chaudhary @ Prasad S/O Late Balchand Chaudhary
Resident Of Village - Mornisf, P.S. Maniyari, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner - Cum - Principal Secretary, Department Of Revenue and Land Reforms, Govt. Of Bihar
3. The Collector - Cum - District Magistrate, Muzaffarpur
4. The Addl. Collector, Land Reforms, Muzaffarpur
5. The Deputy Collector, Land Reform (West) , Muzaffarpur
6. The Circle Officer, Kurhani, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Raju Giri Gp30

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-11-2023

I. A. No. 2568 of 2018

This interlocutory application i.e., I.A. No. 2568 of 2018 has been filed for substituting the name of the petitioner who had died on 19.08.2017 during the pendency of this case, leaving behind his legal heirs/representatives as mentioned in paragraph No. 1 of this interlocutory application.

2. Let name of the petitioner be deleted from the cause title of this petition and in his place names of legal heirs/representatives as mentioned in paragraph No. 1 of the I.A. be substituted.

3. Considering the averments made in the I. A. No. 2568 of 2018, the same is allowed.



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4. Heard learned counsel for the parties.

5. This writ application has been filed for directing the respondent authorities to settle the land *vide* C.S.P. Nos. 1081, 527, 1217 and 1219 which was converted as R.S.P. Khata No. 477 and R.S.P. Nos. 1458 and 2967 in favour of petitioner after removal of encroachment in view of State Government's letter 1946-R dated 23.03.2963.

6. By way of filing counter affidavit, learned counsel for respondent Nos. 3 to 6 submits that the aforesaid C.S.P. Nos. 1081, 527, 1217 and 1219 corresponding to R.S. Khata No. 477, R.S.P. Nos. 1458 and 2967 is recorded in the R.S. Khatian as Gairmajarua Sarvsadharan, nature of land as 'Road and Pokhar' i.e. Sairat which cannot be settled as per report of the Rajeshwa Karmchari dated 21.11.2013.

7. Having regard to the nature of controversy raised by the parties, such disputes once made are required to be adjudicate on facts and evidence. The factual controversy cannot be adjudicated by High Court in a writ petition. In the factual background of the present case, remedy lies in approaching a civil court of competent jurisdiction for remedy of grievance of



the petitioner.

8. This writ application is, accordingly, dismissed as
not maintainable.

(Prabhat Kumar Singh, J)

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