

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.214 of 2023

=====

Suresh Singh S/o Late Sundar Singh, R/o Village and P.O.-Narhar Pur, P.S.-
Jandaha, Dist.-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Revenue Secretary, Govt. of Bihar, Patna.
2. The Collector, Vaishali at Hajipur.
3. Circle Officer, Jandaha, Dist.-Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Respondent/s : Mr. Nutan Sahay, AC to AAG-12.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-06-2023 The rejoinder affidavit as well as supplementary

affidavit filed by the counsel for the petitioner in the Court itself

is accepted and kept on record.

2. Heard learned counsel for the petitioner and

learned counsel for the State.

3. The present writ petition has been filed by the

petitioner seeking direction to the Revenue Secretary, Govt. of

Bihar, Patna and the Collector, Vaishali at Hajipur to make

correction in the R.S. Khatiyani Khata No.363, Plot No.990,

Area 10 decimal appertaining to Mauza Chausiwan/Akhtiyar

Pur, Pargana Jandaha, Revenue Thana No. 352, District

Vaishali.

4. Learned counsel for the petitioner submits that

petitioner is continuously coming in the possession of the land since time immemorial. He further submits that petitioner has filed representation before the Collector, Vaishali at Haijpur but no decision has been taken and his representation is pending till date.

5. Learned counsel for the State submits that counter affidavit has been filed in this case and the stand taken by the State is that there is no need of any correction in the Revisional Survey Khatiyani as in the remark column the word 'Mustwaha' is there which means 'suspicious' in English as per Legal Glossary published by Legal Department, Rajbhasha Khand, Government of India. Counsel further submits that the entries in the Revisional Survey Khatiyani cannot be deleted and entering the name of petitioner in the said Khatiyani is not within the jurisdiction of the answering respondent. It has been mentioned that title of petitioner to the land in question cannot be decided in the Writ Court and the petitioner should have to file the title suit in Civil Court for the relief sought for.

6. After hearing the parties, this Court is of the view that the preparation of Revisional Survey Khatiyani has already ended and after such a long gap it is not proper to enter/make any change in the Revisional Survey Khatiyani either by the

Collector or by this Court without deciding the title of petitioner. For the purpose of declaration of title the competent court is the Civil Court.

7. In this view of the matter, this Court is not inclined to grant any relief to the petitioner by virtue of present writ petition, therefore, the present Writ Petition is dismissed.

8. The petitioner is at liberty to move further as per advise of his counsel.

(Dr. Anshuman, J.)

ritik/-

U			
---	--	--	--