

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5102 of 2017

1. Suresh Singh Son of Late Yogendra Singh resident of village - Chackmaigar, P.O. and P.S. Biddupur, District - Vaishali.
2. Uma Shankar Singh Son of Late Yogendra Singh resident of village - Chackmaigar, P.O. and P.S. Biddupur, District - Vaishali.
3. Vinod Singh Son of Late Ram Chandra Singh resident of village - Chackmaigar, P.O. and P.S. Biddupur, District - Vaishali. All permanent residents of village and P.O. Bhusaula, Danapur Hasimpur, P.S. Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Collector, Revenue, Patna.
3. The Deputy Collector, Land Reforms DCLR, Patna.
4. The Sub-Divisional Officer, Sadar, Patna.
5. The Circle Officer, Sadar, Patna.
6. Keshav Singh Son of Late Meghnath Singh
7. Awadhesh Singh Son of Late Ramanand Singh
8. Mithilesh Singh Son of Late Ramanand Singh
9. Bipin Bihari Singh Son of Late Dinanath Singh
10. Mahesh Prasad Singh @ Pappu Singh Son of Ramjee Singh
11. Kanchan Devi W/o Late Shivjee Singh All residents of village and P.O. Bhusaula, Danapur Hasimpur, P.S. Phulwarisharif, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-05-2024 No one represents the petitioners on call though the State is present.

2. Yesterday also, on call, there was no appearance.

3. The present petition has been preferred for the following reliefs:



(i) for issuance of writ/writs, order/orders, direction/directions specifically for issuance of writ of mandamus directing the authorities concerned for the mutation of land belonging to the petitioners situated at village-Bhusaula, Danapur, Chakarpur (Hasimpur), Mauza-Bhusaula, P.S.-Phulwarisharif, Patna, Thana No. 40, having Tauzi No. 5164, Khata No. 320, Tauzi No. 5202, Tauzi No. 5127, Khata No. 470, 10 and 11, total area 698 decimals. Further for restraining the opposite parties not to sale/disposed of the property mentioned as details given in the writ petition, so that the petitioner may not be put to irreparable loss due to high handedness or otherwise force/muscle power.

4. A counter affidavit on behalf of respondent nos. 1 to 5 is on record. Learned State Counsel has taken this Court to paras- 6, 7 and 8 which read as follows:



"6. that the Revenue Karmachari has submitted detailed report dated 19.05.2017 wherein it has been stated that the claimed lands containing different plot numbers and Khata numbers are in the name of different persons on the basis of the recorded name of their ancestors;

7. that it is pertinent to state that the aforesaid matter involves question of right and title over the land in question;

8. that the Hon'ble High Court in the case of Maheshwar Mandal has held that whenever any dispute relating to complex issues of adjudication of title is brought before the Competent Authority adjudication then the for competent Authority has to refer the matter mandatorily to the Competent Civil Court, as adjudication of right, title and possession is not within the



jurisdiction of competent authority
under Section 4 of the B.L.D.R. Act.

5. This Court finds force in the submission of the learned State Counsel as also considering the fact that the copy of the counter affidavit was served upon the learned counsel for the petitioner on 7.12.2017 and even after seven years, there is no rejoinder. However, since no one has appeared, the writ petition stands dismissed for non-prosecution.

(Rajiv Roy, J)

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