

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4832 of 2017

=====

Smt. Harkali Devi Wife of Late Chandradeo Prasad, Resident of Village-Parhanda, P.S.- Charki, District- Gaya, through her power of Attorney Holder Sarwan Kumar, Son of Late Krishnadeo Mahto, Resident of Village Dhandwa, P.S. Bodh Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya.
3. The Deputy Collector Land Reforms, Sadar, Gaya.
4. The Circle Officer, Bodh Gaya, Gaya
5. The Revenue Clerk, Bodh Gaya Circle, Gaya.
6. Smt. Gauri Devi, Wife of Shri Sidheshwar Prasad, Resident of Mohalla-Panchayati Akhara, P.S.- Kotwali, District- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Gyan Prakash, Advocate Miss. Parul Priya, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan- SC- 25 Mr. Wasi Ahmad Khan, AC to SC 25

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-05-2024 Heard Mr. Gyan Prakash, learned counsel for the

petitioner and Mr. Wasi Ahmad Khan, learned Assistant Counsel

to Standing Counsel No. 25.

2. The present writ petition has been preferred for the
following relief(s):

(i) for setting aside the order 22-02-2017 passed in B.L.T. Case No. 456/2016 by the learned Member Administrative, Bihar Land Tribunal dismissing the petitioner's claim also for setting aside the



order dated 04-05-2016 passed by the learned Commissioner, Magadh Division, Gaya in Land Dispute Resolution Appeal No. respondent 167/2013 allowing the appeal of respondent no.6 by setting aside the order of the learned Deputy Collector, Land Reforms, Sadar, Gaya passed in B.L.D.R. Case No. 309/2012-13 ordering for correction of ambiguity of Khatian and Demand Register in favour of the petitioner;

(ii) for quashing the order of the Circle Officer, Bodh Gaya, Gaya as contained in Memo No. 5131 dated 31-05-2016 by which petitioner's Jamabandi has been cancelled in pursuance of the above mentioned order dated 04-05-2016 of the Divisional Commissioner, Gaya passed in Land Dispute Resolution Appeal No. 167/2013;

(iii) for holding that the above mentioned orders of the the learned Divisional Commissioner, Gaya and the learned Member Administrative, Bihar Land Tribunal are unwarranted as respondent no.6 filed Suit 140/2013/ 610/2013 pending in the court of Sub- Judge, Gaya for the same land against the petitioner in which she has specifically prayed for declaring the order of the Deputy Collector Land reforms dated 29-5-2013 is null and void and without



*jurisdiction and for the same relief filed
Appeal before the Divisional Commissioner,
Gaya which has been allowed.*

3. Learned counsel submits that the respondent no. 6, Smt. Gauri Devi herself has preferred Title Suit No. 140 of 2013 before the learned Sub Judge, Gaya which is pending, in between the fight is continuing before the different Revenue Courts.

4. Learned Assistant Counsel to Standing Counsel No. 25 submits that the order of the BLT Case No. 456 of 2016 dated 22.02.2017 has given his reason in paragraph nos. 8, 9 and 10 to come to the conclusion that no interference is required. He further submits that Bihar Land Tribunal has also taken note of the Title Suit No. 140 of 2013 which is pending before the learned Sub Judge, Gaya and the petitioner should have appeared and contested the matter which is pending for last 11 years.

5. This Court is also of the opinion that when the Title Suit No. 140 of 2013 is pending before the learned Sub Judge, Gaya for last decade filed by the respondent no. 8 and the petitioner has also been impleaded as defendant, it would be appropriate to contest the same.

6. Any observation made by any Revenue Court shall



merge with the final order passed by the competent Civil Court
in Title Suit No. 140 of 2013.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

