

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13669 of 2016

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Yamuni Devi wife of Late Banbali Sah, resident of village- Dhabghat
Kadmaha, P.S- Marauan, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Collector and District Magistrate, Supaul.
5. The Sub-divisional Officer, Nirmali, District- Supaul.
6. The Circle Officer, Marauna, District- Supaul.
7. Mostt. Anita Devi, Wife of Late Gaya Prasad Kamat.
8. Hari Narayan Kamat, son of Late Yadunandan Kamat.
9. Shree Prasad Kamat, son of Late Yadunandan Kamat. Respondent NO. - 7 to
9 are resident of Village- Dhabghat Kadmaha, P.S- Marauna, District-
Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate Mrs. Priti Kumari, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, A.A.G.-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-03-2024 Heard learned Counsel for the petitioner and the

State.

2. The present petition has been preferred for:

*a Certiorari setting aside the order dated
04/12/2015 passed in B.L.T. Case No. 662 of 2014
by Hon'ble Member Administrative, Bihar Land
Tribunal, Patna, as contained in Annexure - 6,*



whereby and where under the order dated 09/03/2013, passed by the Circle Officer, Marauna, Supaul in Basgit Parcha Revision Case No. - 181 of 2007 was quashed without properly consider the material facts and circumstances that on the same Khata of land, private respondents (petitioners before Hon'ble Tribunal) have filed Title Suit, which was subject matter before Hon'ble Tribunal, in which petitioner was made respondent.

3. Learned Counsel for the petitioner after a long argument submitted that though the Bihar Land Tribunal (henceforth for short 'the B.L.T.') in its order dated 04.12.2015 directed the petitioner herein to prefer Title Suit, a Title Suit No. 327 of 2014 has already been preferred by the respondent nos. 7 to 9 (the original petitioners before 'the B.L.T.') which is pending in the Court of learned Sub Judge-1, Supaul.

4. He submits that both the petitioners as well as the respondents aforesaid are contesting the said Title Suit which is still pending but the observation of 'the B.L.T.' may favour the respondent nos. 7 to 9.

5. The B.L.T. simply observed that the petitioner herein can get the Title decided before the competent Civil



Court and as the respondent nos. 7 to 9 themselves have preferred Title Suit which is pending, it would be appropriate that both the parties take the same to its logical conclusion.

6. Needless to say, the competent Court shall decide the case pending before it on its own merit without being prejudiced by any observation made by 'the B.L.T.' in its order dated 04.12.2015 in B.L.T. Case No. 662 of 2014 and the order of 'the B.L.T.' shall be merged with the final order passed by the competent Civil Court.

7. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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