

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9232 of 2015

1. Salauddin son of Late Tamijuddin
2. Saleha Khatoon wife of Late Tamijuddin
3. Lajjatun Khatoon wife of Late Aluddin All resident of village- Pachgachhi Police Station- Balia Belon Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Katihar.
3. The Sub-Divisional Officer, Barsoi, District- Katihar.
4. The D.C.L.R., Barsoi, District- Katihar.
5. The Circle Officer, Anchal Kadwa, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Rahmatullah, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG 9
		Mr. Braj Bhushan Mishra, AC to AAG 9

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 11-01-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for directing the respondent authorities not to distribute/settle the land of the petitioner treating it *Gair Mazarua Aam* land.

3. Counter affidavits have been filed in this case wherein it is stated that the Plot No. 1017 covering area 87 decimal of Khata No. 440 of Mauza- Pachgachhi stood recorded prior to the Revisional Survey but since at the time of R.S. Operation the same was submerged in Mahananda River, it was recorded as *Gair Mazarua Aam*. The land in question is *Nadi*



and is utilised by the general people of the village. Neither the petitioners are in possession nor the same has been settled by the competent authority. Petitioners have no right over the land in question.

4. In view of the aforesaid facts and circumstances, the question as to whether the land in question is *Raiyati* land of the petitioners or the land is *Gair Mazaura Aam* cannot be decided in writ jurisdiction. Such disputes once made are required to be adjudicated on facts and evidence. The factual controversy cannot be adjudicated by High Court in a writ petition. It is a pure civil dispute for which a regular suit in a competent civil court is the only remedy.

5. Writ petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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