

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1583 of 2019

In
Civil Writ Jurisdiction Case No.21647 of 2019

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Upendra Parihast S/o Late Satyadev Parihast, Resident of Village- Kalyanpur
Batipar, P.s.- Bibhutipur, Distt.- Samstipur.

... .. Appellant/s

Versus

1. The State of Bihar through District Magistrate, Darbhanga.
2. The District Magistrate, Darbhanga.
3. The District land reforms officer, Darbhanga.
4. The Circle Officer Bahadurpur District, Darbhanga.
5. Munindra Thakur, S/o Kapleshwar Thakur, resident of village- Jalwar, P.S.-
Simri, Dist, Darbhanga.
6. Baua Thakur, S/o Kusheshwar Thakur, resident of village- Jalwar, P.S.-
Simri, Dist, Darbhanga.
7. Kripal Thakur, S/o Nageshwar Thakur, resident of village- Jalwar, P.S.-
Simri, Dist, Darbhanga.
8. Mukti Misra, S/o Late Yadunandan Misra, resident of village- Jalwar, P.S.-
Simri, Dist, Darbhanga.
9. Jaikant Mishra, son of resident of village- Jalwar, P.S.- Simri, Dist,
Darbhanga.
10. Shatish Thakur, S/o Late Pashupati Thakur, resident of village- Jalwar, P.S.-
Simri, Dist, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

10 07-02-2024 The appellant is aggrieved with the judgment of the

learned Single Judge, which directed a suit to be filed to

establish title, since there is a bona fide land dispute existing.



2. The appellant's grievance is that he is not allowed to enjoy the peaceful possession over an ancestral property. The ancestral property is situated at village Jalwara, P.S. Simri, Circle - Bahadupur, District Darbhanga measuring 1 acre 7 Katha 12 Dhurs. It is also stated that the same is recorded in the name of the ancestor of the petitioner in the revenue records. Admittedly, the father of the petitioner moved out from the village and settled in Samastipur and respondent Nos. 5-10 are now in possession of the property. It is stated that respondent Nos.5-10 are not permitting the petitioner to enjoy the ancestral property.

3. The learned counsel for the appellant submits that all the documents are in his favor and hence, he should be allowed to peacefully enjoy his property. He also prays that he may be allowed to give a representation to the District Authority.

4. At the outset, we have to observe that there cannot be a title dispute adjudicated upon, in a petition under Article 226 of the Constitution of India. Even a representation would be misconceived, insofar as the District Authorities not being competent to decide on title. There are persons in possession of the property, whom the appellant submits have no right over such property. This is a matter to be established before a Court



of law.

5. We find absolutely no reason to entertain the appeal. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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