

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3451 of 2016

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Md. Mangan Son of Late Majlum, resident of Village- Vishharia Sahadat Tola, Post Office Akrathpa, P.S.Block- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, District Araria.
3. The Sub Divisional Officer Farbishganj District- Araria.
4. The Block Development Officer, Block- Bhargama, District- Araria.
5. The Panchayat Secretary cum Revenue Karamchari Gram Panchayat Raj Bishharia Block- Bhargama Distric
6. Md. Jamedar Son of Late Ruddin R/o Village- Sahadal Tola, P.O.- Bishharia, P.S.- Bhargama, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Adv.
For the Respondent/s : Smt. Namrata Mishra- Ga13

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2025 Heard the parties.

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

for issuance of writ in the nature of mandamus and / or any other appropriate writ, order or direction commanding upon the respondent particularly the respondent no. 2 to hold enquiry with respect to the incorrect entry of the date of death of Late Mohmmad Ruddin and his daughter Late Rajina and disposed of the petitioners representations dated 04.12.2014 of the petitioner holding that the date of death



entered into the death certificates both issued by the 3.02.2011 dated respondent no. 5 with respect to Late Ruddin and his daughter late Rajina as 25.10.1998 and 20.08.93 is illegal and incorrect.

3. The dispute relates to the actual death of Rajina and/or whether she pre-deceased her father, Ruddin or her death took place after the father died in the year, 1975. While the contention of the petitioner who claims to have purchased the land from the daughters of late Rajina that the transaction is valid as the lady died after the death of the father, the son of late Ruddin (respondent no. 6) complained that she pre-deceased her father and as such, the two daughters have no right.

4. The matter was agitated before different authorities/Court and finally was taken up by the Divisional Commissioner, Purnea Division, Purnea where on 08.06.2015, the Commissioner while annulling that different orders directed the parties to approach the Competent Civil Court (Annexure-8 to the petition). The petitioner now wants inquiry into the death of the late Rajina.

5. Learned State Counsel submits that whether the lady died earlier to her father or not, it can be only decided with the help of the documents/statement of the witnesses and can be adjudicated only before a Competent Civil Court.



6. This Court finds force in the submission of learned State Counsel. Complex question of facts is/are to be adjudicated which has to be heard and taken to its logical conclusion by a Competent Civil Court.

7. Granting liberty to the petitioner to approach the appropriate authority/Competent Court for the redressal of the grievance, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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