

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14838 of 2025

1. Dr. Subhash Ballav, Son of Jasbir Ballav @ Yashoda Ballav, Resident of Mohalla-Belwarganj, Sindhua Toli, P.S- Alamganj, District-Patna.
2. Kunwar Ballav, Son of Jasbir Ballav, Resident of Mohalla- Belwergunj, Near Fire Brigade, Sampatchak, PO- Gulzarbagh, P.S- Alamganj, District-Patna.
3. Uday Ballabh Son of Jasbir Ballav, Resident of Mohalla- Belwergunj, Near Fire Brigade, Sampatchak, PO- Gulzarbagh, P.S- Alamganj. District- Patna.
4. Ram Vinod Ballabh, Son of Jasbir Ballabh, Resident of Mohalla- Sindhua Toli, Belwar Gunj, P.S-Alamganj, District- Patna.
5. Raj Kishor Prasad, Son of Jasbir Ballabh, Resident of Near Ramna School Road, Badi Patan Devi Chauraha, P.O- Gulzarbagh, P.S-Alamganj, District-Patna.
6. Jay Kishor Ballabh, Son of Jasbir Ballabh, Resident of Mohalla- Belwar Gunj, Sampatchak, P.S- Alamganj, District- patna.
7. Giriraj Ballabh Yadav, Son of K.L. Yadav Resident of H.No. 563/138, Mohalla-Chitragupta Nagar, Alambagh, P.O- Chander Nagar, P.S-Alambagh, District- Lacknow.
8. Sanjay Ballabh Yadav, Son of K.L. Yadav, Resident of H.No. D-2, Mohalla-Anand Vihar, P.O-Anisabad, P.S- Gardanibagh, District- Patna.
9. Dinesh Ballabh, Son of Yadvendra Ballabh, Resident of Mohalla- Belwar Gunj, Patna City, PS- Alamganj District- Patna.
10. Shailesh Ballabh, Son of Yadvendra Ballabh, Resident of mohalla-Belwarganj, Sampatchak, P.S- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Prohibition, Excise and Registration Department, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Registrar, Land Registration Department, Patna.
5. The Deputy Collector Land Reform, Patna City, Patna.
6. Uday Kumar, Son of Krishna Prasad R/o - Mohalla- Belwarganj, Opp. Fire Brigade Office, P.S- Alamganj, P.o- Golzarbagh, District- Patna.
7. Vijay Kumar, Son of Kishor Jee R/o - Mohalla- Belwarganj, Opp. Fire Brigade Office, P.S- Alamganj, P.o- Golzarbagh, District- Patna.
8. Rajesh, Son of Kishor Jee R/o - Mohalla- Belwarganj, Opp. Fire Brigade Office, P.S- Alamganj, P.o- Golzarbagh, District- Patna.
9. Bindeshwari Mishra, Son of Late Dinesha Nand Mishra R/o- Mohalla-Chowk Patna City, Near State Bank of India, P.O- Patna City, P.S- Chowk, District-Patna.



10. Ambika Mishra, Son of Late Dinesha Nand Mishra R/o- Mohalla- Chowk Patna City, Near State Bank of India, P.O- Patna City, P.S- Chowk, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar, Adv.
For the State : Mr. Ranjeet Kumar, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-09-2025 The instant case has been filed under Article 226 of the Constitution of India by the petitioners seeking for the following relief(s):

"(i) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to enquire into the genuineness of Registered Gift Deed dated 14.04.1937 said to be executed on 14.04.1937 by Babu Gauri Prasad, Yadvendra Ballabh, Nandan Ballabh @ Kanhaiya Lal, Yugal Ballav, Babu Gopeshwar Prasad in favour of Pandit Umeshanand Misir in respect of land appertaining to Cirle 96, Holding 17, Plot 1613, Ward no. 19, Sheet No. 193, Area- 33 Kari vide Deed no. 1708 Volume No. 34, Year- 1937.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the order dated 14.06.2025 passed in BLDRA Appeal no. 40/2022-23 by respondent no. 2 whereby and whereunder respondent no. 2 instead of making enquiry about the genuineness of Gift Deed dated 14.04.1937 simply held the issue as a complicated question of Title and dismissed the Appeal and affirmed



the order of respondent no. 5 (The DCLR).

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the order dated 10.09.2022 passed in Land Dispute Case No. 5/2022-23 by respondent no. 5 (The DCLR) whereby instead of examining the genuineness of Gift Deed dated 14.07.1937 held the dispute of Title being complex in nature and as such Learned Civil Court has jurisdiction to adjudicate the issue.

(iv) For issuance of any other relief/reliefs for which petitioner is found entitled in the eye of law and in the facts and circumstances of the present case."

2. Heard Mr. Gajendra Kumar, learned counsel appearing for the petitioners and Mr. Ranjeet Kumar, learned counsel appearing for the State-respondents and perused the orders which have been impugned by the petitioners in this writ petition.

3. The petitioners have challenged the order dated 14.06.2025 passed by the Divisional Commissioner, Patna Division, in BLDRA Appeal No. 40 of 2022-23 and the order dated 10.09.2022 passed by DCLR, Patna City in Land Dispute Case No. 05 of 2022-23. After having gone through both the orders, it appears that there is serious issue of title in between the petitioners and private respondents as the private respondent nos. 9 and 10 have based their claim on the basis of registered



gift deed while the petitioners, who were appellants before the Commissioner, have based their claim on the basis of the land in question being recorded in the name of their ancestors in the khatiyan and considering this aspect, the DCLR observed that the issue raised by the petitioners involves a complex nature of title which should have been decided by a competent Civil Court. This court is also of the same view and finds that the issue raised by the petitioners require evidences from both the sides who have based their claim in the land in question and this court is not persuaded to invoke writ jurisdiction to settle the issue raised by the petitioners.

4. Accordingly, the writ petition stands disposed of with giving the petitioners a liberty to approach before the competent Civil Court for redressal of their grievance. If they avail this liberty within six weeks from today, then the period spent by them in this writ petition shall be excluded while computing the necessary limitation period.

(Shailendra Singh, J)

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