

(2020) 02 PAT CK 0361

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 145 Of 2016

Prabhu Dayal Mahto

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 27-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0361

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Anant Kishor Lal Das, Dr. Anshuman Singh

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned SC 21 for the State.

2. The petitioner has moved the Court for the following relief:

"That this is an application for issuance of an appropriate writ order or direction directing by the Respondent Anchal Adhikari Fatehpur to issue rent receipt to the petitioner with respect to Khata No. olds 32, New Khata No. 76 old plot 333 New Pot no. 436 having an area of 3.07 acre and 20 ½ decimals of New Plot no. 445 situated in village Katiaundh under Fatehpur Anchal in the District of Gaya which was purchased by the petitioner by four registered sale deed dated 17-10-2001 and 12-4-2005, 18-1-2007 from Darshan Manjhi alias Darshan Bhuyan having an area of 13 decimals and dated 6-7-73 from Ramdhan Giri and others having an area 3.7 Decimals and the petitioner was coming in peaceful possession over the land inquestion and the copy of the sale deed will be produced at the time of hearing of this application."

3. Earlier son of the petitioner had moved the Court in CWJC No. 12738 of 2012 for the same relief, which was disposed off by order dated 01.05.2014 observing that he may file appropriate suit in the Civil Court to get his right, title, interest and possession decided.

4. Learned counsel for the petitioner submitted that he had filed title suit, which was dismissed, against which he has filed Title Appeal No. 34 of 2019, which is pending.
5. Learned counsel for the State submitted that the petitioner cannot be granted the relief as his claim over the land has stood negated in the title suit filed by him only.
6. At this juncture, learned counsel for the petitioner submitted that the application be disposed off with liberty to him to pursue the title appeal filed by him.
7. Having regard to the aforesaid, the writ petition stands disposed off with liberty aforesaid.
8. It goes without saying that the question of mutation and issuance of rent receipt shall abide by the decision of the Civil Court in the said title appeal.