
(2020) 02 PAT CK 0363

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 370 Of 2016

Rajgrihi Singh And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 27-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0363

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Kamlesh Prasad Singh, Murli Manohar Singh, Ranjay Kumar Singh

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioners and learned AC to SC 6 for the State.

2. The petitioners have moved the Court for the following reliefs:

"(a) For set a side the order dated 25- 8-2015 passed by the Biahrr Land Tribunal, Patna in B.L.T. Case No. 799 of 2014 which is rejected and confirmed the order dated 30.06.2014 passed by Additional Collector, Kaimur Bhabua and order dated 3.06.2013 passed by Learned D.C.L.R. Mohania, Dist. Kaimur Bhabuara.

(b) For set a side the order dated 30.06.2014 passed by the Additional Collector, Kaimur Bhabua in Mutation Revision Case No. 44/13-14 which is rejected without consideration of the facts and circumstances.

(c) For set a side the order dated 3.06.2013 passed by the D.C.L.R., Mohnia, in mutation appeal Case No. 18/2011-12 which is set aside the order dated 16.9.2009 passed by the Anchal Adhikari Kudra in Mutation Case No. 558/2009-10.

(d) Any other writ(s) for granting any other relief(s) to the petitioners for they found entitled to in the facts and circumstances of this case."

3. The basic grievance of the petitioners is that the lands which they had brought

from the person, who was allotted the land in his private share in a compromise between the Mahant and the vendor of the petitioners, jamabandi allowed earlier in his favour, has now been set aside by the DCLR, the Collector as well as the Bihar Land Tribunal.

4. Learned counsel for the State submitted that with regard to the said lands, the title has already been decided against the petitioners in a title suit and appeal has also been dismissed, holding that the land belonged to the Math and, thus, there could not have been any compromise with regard to the title of the land, much less, in favour of the vendor of the petitioners by treating the said land to be his private land.

5. The Court finds substance in the contention of learned counsel for the State. Till the time, there is a judgment of the Civil Court of competent jurisdiction declaring the title of the entire lands in favour of the Math, which has been confirmed in appeal and the same having become final, the vendor of the petitioners could not have become the owner of the lands by compromise/mutual agreement. Thus, the petitioners could not have inherited a right and title better than that of the vendor which has been negated by the Civil Court of competent jurisdiction.

6. In view thereof, the writ petition being misconceived, stands dismissed.

7. However, it shall be open to the petitioners to move before the appropriate forum, in accordance with law, with regard to their grievance.