

(1972) 07 PAT CK 0020

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1736 of 1970

Teju Mandal and Others

APPELLANT

Vs

The Sub-Divisional Officer and Another

RESPONDENT

Date of Decision : 14-07-1972

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : AIR 1973 Patna 36

Hon'ble Judges : U.N. Sinha, C.J; K.B.N. Singh, J

Bench : Division Bench

Advocate : S.R. Ghosal, for the Appellant; Tarakant Jha, S.C. No. II, for the Respondent

Final Decision : Dismissed

Judgement

1. The petitioners have filed this writ application, praying that an order passed by the Sub-Divisional Officer, Jamtara, incorporated in Annexure "4", dated the 2nd September, 1970, may be quashed. By that order the Sub-Divisional Officer has ordered the eviction of the writ petitioners from certain lands mentioned in the order. The petitioners have claimed the lands by virtue of a Kurfa settlement of the year 1359 B.S., but the Sub-Divisional Officer has come to the conclusion in the summary proceedings that the story of this Kurfa settlement was not acceptable. On that footing the order of eviction has been passed.

2. Having heard learned counsel for the petitioners, we do not think that this is a fit case where we should interfere, in view of the finding arrived at by the Sub-Divisional Officer in the summary proceedings. If the petitioners rely upon their right to possession by virtue of title, they can establish their title in some other appropriate proceeding, where all matters may be thoroughly and finally investigated on evidence on record. The writ application, therefore, fails and is dismissed, but without costs.