

**Malti Devi Vs. State and ors**

**Malti Devi Vs. State and ors**

**SooperKanoon Citation :** [sooperkanoon.com/1028409](http://sooperkanoon.com/1028409)

**Court :** Patna

**Decided On :** Aug-30-2013

**Appellant :** Malti Devi

**Respondent :** State and ors

**Judgement :**

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case  
No.7402 of 1992

=====

Malti Devi wife of Doman Sahu, resident of village-Purani Sahar, Daudnagar, P.S.-  
Daudnagar, District-Aurangabad. .... Petitioner/s 1. The State of Bihar 2. The  
Addl. Collector, Aurangabad 3. D.C.L.R., Aurangabad 4. The Circle Officer,  
Daudnagar, District-Aurangabad 5. Shashi Bhusan Singh, son of Mahabir Singh 6.  
Rabi Shankar Singh, son of Mahabir Singh Both Nos. 5 & 6 are residents of  
village-Anchha, P.S.-Daudnagar, District- Aurangabad. Versus ....  
Respondent/s Appearance : For the Petitioner/s : Mr. Radhey Shyam Prasad,  
Advocate For the Respondent Nos. 1 to 4 : None For the Respondent Nos. 5 & 6 :  
Mr. Subodh Chandra Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL

JUDGMENT

Date:

30. 08-2013 Heard learned counsel appearing on behalf of the petitioner as also learned counsel appearing on behalf of respondent Nos. 5 and 6. None appears on behalf of the State of Bihar and its functionaries.

2. The claim of the petitioner with respect to the lands under dispute is based on a sale deed allegedly executed by respondent nos. 5 and 6 in her favour. The aforesaid respondents have disputed the genuineness and correctness of the transfer made by them in favour of the petitioner. The claim of the petitioner for mutation of lands has been rejected by the respondent Anchal Adhikari, Daudnagar, District-Aurangabad, as also by the respondent Additional Collector, Aurangabad.

3. In view of serious nature of dispute of right, title and Patna High Court CWJC No.7402 of 1992 dt.30-08-2013 2/2 possession between the parties with respect to the lands under dispute, this Court is of the opinion that issue raised herein by the parties can effectively be decided only by a civil court of competent jurisdiction. The issue of right, title and possession as also genuineness or otherwise of the sale deed in question could not have been gone into by the revenue authorities.

4. In the aforesaid facts and circumstances, this Court is not inclined to interfere with the orders impugned. The writ petition stands dismissed.

5. If the petitioner is so advised, she may approach the civil court of competent jurisdiction for getting her right, title and possession declared with respect to the lands under dispute strictly in accordance with law, after giving opportunity of hearing to all concerned. (Birendra Prasad Verma, J) sudip/-

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**