

Shanti Devi Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Shanti Devi

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case
No.517 of 2012

===== Shanti
Devi, W/O Sri Jagdish Prasad Bhagat, R/O Village- Simarbani, Police Station-
Bhargama, District- Araria. Petitioner. Versus 1. The State of Bihar.

2. The Collector, Araria.

3. The Deputy Collector, Land Reforms, Forbesganj, District- Araria.

4. The Circle Officer, Forbesganj, District- Araria.

5. Gopal Mandal, S/O Late Naresh Mandal, R/O Village- Simarbani, Police
Station- Bhargama, District- Araria.

6. Sanjeet Mandal, S/O Late Naresh Mandal, R/O Village- Simarbani, Police
Station- Bhargama, District- Araria.

7. Ranjeet Mandal, S/O Late Naresh Mandal, R/O Village- Simarbani, Police
Station- Bhargama, District- Araria. Respondents.

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12. 01-2012 This writ application has been filed by the petitioner challenging the order 07.02.2006 passed by the Collector, Araria (Respondent No. 2), in Mutation Revision Case No. 28/2003- 2004/ 151/2004-05 and order dated 27.03.1993 passed by the Circle Officer, Forbesganj (Respondent no.

4) in Mutation Case No. 1047/1992-93. The petitioner sought mutation of his name on the basis of sale deed executed on 27.11.1998 by Rakhal Krishna Sarkar. Mr. Rakhal Krishna Sarkar was an auction purchaser. After purchase of the property in auction, Mr. Sarkar has moved an application for mutation before the consolidation court as the consolidation operation is going on. The application is pending for decision on merit before the Consolidation Officer, Bhargama, Araria. The petitioner is vendee of Mr. Sarkar, therefore, doctrine of lis pendens will apply. It is open for the petitioner to move an application for mutation in place of Mr. Sarkar on the basis of sale deed executed by Mr. Sarkar in favour of the petitioner to avoid the multiplicity of the litigation. With the above observation, this application is disposed of. With regard to possession of disputed land, the parties shall maintain status quo, as is existing today. (Prakash Chandra Verma, J) Bhardwaj/-

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