

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 595 of 2019
In
Civil Writ Jurisdiction Case No.12417 of 2018

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Ahmadulah Zafar Hasan, Son of Late Majahir Hasan, resident of Nayee Bazar Road near Pakkisarai, Mahmmadpur Kazi, District Muzaffarpur, Pin - 842001.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector cum District Magistrate, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. The Municipal Commissioner, Muzaffarpur.
6. The S.D.O. East Muzaffarpur.
7. The L.R.D.C, East Muzaffarpur.
8. The Circle Officer, Mushari Anchal, Muzaffarpur.
9. The Charge Officer (Settlement) Mushari, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ratan Kumar Sinha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 02-03-2021

Heard the parties.

Aggrieved by judgment and order dated 18.04.2019 passed by learned Single Judge of this Hon'ble Court passed in C.W.J.C. No. 12417 of 2018 dismissing the writ petition in order to avail alternative remedy present L.P.A. has been filed by appellant/petitioner.



Appellant had filed writ petition for direction to the respondent authorities particularly Collector cum District Magistrate to comply the order dated 07.12.1987 passed by the Charge Officer (Settlement), Muzaffarpur passed in Misc. Case No. 22 of 1987.

Briefly stated, the facts of the case is that father of appellant purchased land, vide registered sale deed dated 27.02.1982 and came in possession over his purchased land and his name was mutated in revenue records and a Khatiyani was prepared in his name and accordingly his name was also recorded in Municipal Corporation, Muzaffarpur and holding tax is being paid by the appellant.

There was some dispute with Md. Abbas with respect to said land and his application for correction in the entry made in the Khatiyani was rejected by order dated 20.08.1986, however, it is alleged that said Md. Abbas with connivance of A.S.O. made certain correction in final published Khatiyani after final publication, for which father of appellant filed Miscellaneous case before the Charge Officer, Muzaffarpur, which remain inconclusive.

It is settled proposition of law that entry made in Khatiyani neither creates any title nor extinguishes any title, as



such, the learned Single Judge has rightly observed appellant to take recourse to Civil Court of competent jurisdiction for declaration of his right, title and possession over the land in dispute.

This Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by the Court, accordingly, the L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
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