

Bahadur Mahato Vs The State of Bihar and Another

Court: Jharkhand High Court

Date of Decision: May 8, 2001

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 144, 144, 145, 145, 397

Citation: (2001) CrLJ 4027 : (2001) AIR Jhar HCR 302 (2001) 1 JLJR(Jhar) 352

Hon'ble Judges: D.N. Prasad, J

Bench: Single Bench

Advocate: K.C. Mahto, for the Appellant; A.B. Mahato, S.C.V., for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Deoki Nandan Prasad, J.

This revision application has been filed under Sections 397 and 401 of the Code of Criminal Procedure against

the order dated 31-8-1994 passed by the Sub-Divisional Magistrate, Sadar, Ranchi in G.P. Case No. 3 of 1987 whereby and whereunder the

learned Court below declared the possession of an area of 3.88 acres in favour of the opposite party No. 2, it is submitted on behalf of the first

party/petitioner that Khata No. 89 of village Lali, P.S. Namkum district Ranchi was recorded Kaymi in the name of Mosst. Nakti Wife of Tiku

Mahato alias Tiku Kurmi and she has been in peaceful possession over the disputed land. After the death of Nakti, her property was inherited by

her niece, Mosst-Bandhni wife of Jethu Mahto and the father of the first party. The name of Gokul Mahato, first party was mutated in the earliest

of ex-landlord and also in the State of Bihar.

2. Earlier 144 Cr. P.C. proceeding was initiated in respect of the land in question and later on it was converted into 145 Cr. P.C. but the opposite

party No. 2 also claimed the land in question being in peaceful possession by virtue of registered Kabuliat which was settled in favour of the father

of the Opposite party No. 2. It is also claimed that the learned Sub-Divisional Officer has rightly passed the order impugned and there is no

illegality in the order impugned to be enterfered as the members of 1st party/petitioner had already sold the land of their half share.

3. Heard learned counsel for both sides.

4. Without entering into the merit of the case, I am disposing of this revision application with liberty to both parties to raise the matters/issues

before the competent Court/Civil Court in respect of their title and possession. This revision application is pending since 1995 and both parties are

claiming their title and possession over the land in question by virtue of settlement and rent receipts. Since the title is also involved in the case and

as such it would be appropriate to get the controversy decided and thrashed on merit once for ever by the competent Court i.e. Civil Court. The

parties are at liberty to agitate all questions in the appropriate forum. All issues and questions left open to raise the matters/issue before the Civil

Court in the title suit, if it is filed and points in issues will be decided in accordance with law.

With this observation, this revision application is dismissed.