

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.695 of 2014

- =====
1. Mahendra Singh Son Of Late Ram Dahin Singh Resident Of Village- Devi Dihra, Police Station- Rajpur, Post Office- Nagpur, District- Buxar
 2. Mostt. Maya Devi Wife Of Late Kameshwar Singh Resident Of Village- Devi Dihra, Police Station- Rajpur, Post Office- Nagpur, District- Buxar
 3. Krishna Kant Singh @ Krishna Kant Son Of Late Kameshwar Singh Resident Of Village- Devi Dihra, Police Station- Rajpur, Post Office- Nagpur, District- Buxar
 4. Ram Niranjana Singh Son Of Late Kameshwar Singh Resident Of Village- Devi Dihra, Police Station- Rajpur, Post Office- Nagpur, District- Buxar

.... Petitioners

Versus

1. The State Of Bihar through its Collector, Buxar
2. Land Reforms Deputy Collector, Buxar
3. Circle Officer, Chaura, Buxar
4. Brij Raj Singh Son Of Hawaldar Singh Resident Of Village- Devi Dihra, Police Station- Rajpur, Post Office- Nagpur, District- Buxar

.... Respondents

=====

Appearance :

For the Petitioners : M/S Jitendra Prasad Singh and
Anil Kumar Roy, Advocates

For the State : S.C.4

For the Respondents : Mr. Diwedy Surendra, Advocate

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-01-2015

Petitioners are aggrieved by the order dated 14.11.2013 the Tribunal dismissing the case of the petitioner holding that in view of the orders under challenge are based on the Award of Permanent Lok Adalat made on the basis of compromise entered between the parties, those can not be faulted with.

Petitioners claim for mutation was allowed by the Circle Officer. The order of the Circle Officer was challenged by the private respondent by preferring an Appeal No.31 of 2010-11 which was

allowed and order of Circle Officer was set aside. Mutation Revision No.10 of 2011 filed by the petitioners was also dismissed.

It is been submitted on behalf of the petitioners that orders of appellate as well as the Revisional Authority are based upon the Award of the Permanent Lok Adalat after accepting compromise in a partition matter. He submits that a Division Bench of this Court has held that the Permanent Lok Adalat cannot entertain such applications and pass Awards in partition or title matters. The petitioners challenging the Award passed by the Lok Adalat had earlier filed C.W.J.C. No.15074 of 2011 which was disposed of on 12.9.2011 granting liberty to the petitioners to approach appropriate forum by initiating appropriate proceeding. Upon that the petitioners have filed a Title Partition Suit No.421 of 2009 for declaration that Award would not be binding and further, for partition of the joint family properties. This is also admitted fact that the Mutation Authorities have passed order in favour of the respondents on the basis of Award which has been prepared by the Permanent Lok Adalat.

However, in my considered opinion, the final decision of the Civil Court would have a binding effect upon the Mutation Authorities, therefore, the Tribunal after taking into consideration the institution of title suit, has refused to interfere in the matter.

In above view of the matter, this writ application is being disposed of with an observation that the petitioners would be at liberty to move before the Mutation Authority for correction of the concerned revenue records in case the title suit is decided in their favour. This is also made clear that since the Award itself is admittedly under challenge, the court concerned would decide the matter on its own merit and in accordance with law without being prejudiced by the order passed by this Court in the present writ application or by the Bihar Land Tribunal in B.L.T. Case no.639 of 2013.

(Dr. Ravi Ranjan, J)

N.A.F.R.
N.H./-

U			
---	--	--	--