

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7323 of 2009**

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Mangal Raut @ Mangal Yadav, son of late Saryug Raut, resident of village-Chhardwali Tola Belwa, P.S.-Lauriya, at present Sathi P.S., District-West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Collector, West Champaran at Bettiah
3. Deputy Collector, Land Reforms, Narkatiyaganj, District-West Champaran.
4. Anchal Adhikari, Lauriya Anchal, District-West Champaran.
5. Bhikhari Yadav, son of late Jata @ Jatabha Yadav, resident of village-Chhardwali Tola Belwa, P.S.-Lauriya, at present Sathi P.S., District-West Champaran.

.... .... Respondent/s

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**Appearance :**

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|-------------------------------|---|---------------------------------------------------------------|
| For the Petitioner/s          | : | Mr. Ganpati Trivedi, Sr.Adv.<br>Mr. Manoj Kumar               |
| For the Respondent nos.1to4 : |   | Mr. Sunil Kumar Mandal, SC-24<br>Mr.Arjun Prasad, AC to SC-24 |
| For the Respondent no.5       | : | Mr. Raj Kishore Prasad-2<br>Mr.Nishant Kumar Sinha            |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

4      14-08-2015

Heard.

The petitioner is aggrieved by the order dated 23.01.2009 passed in R.M.Case No.133 of 2005-06 (Annexure-5) by the respondent District Collector, West Champaran, Bettiah, whereby the aforesaid revision application filed on behalf of the respondent no.5 has been allowed and the order dated 27.12.2005 (Annexure-4) passed in Mutation Appeal No.22 of 2005-06 by the respondent D.C.L.R., Narkatiyaganj affirming the order of the Anchal Adhikari, Lauriya dated 16.11.2004 passed in Mutation Case No.602 of 2004-05 has been reversed and set aside and directions have been issued for restoration of Jamabandi in favour of the respondent no.5.

From the materials available on record, it is apparent that the petitioner claims to be the purchaser from one Indradeo

Prasad. The aforesaid Indradeo Prasad is said to have purchased the land in question from one Sheshman Raut, whereas the respondent no.5 claims to be khatiyani raiyat of the lands in question.

In the present case, the dispute between the petitioner vis-à-vis the respondent no.5 is essentially the dispute of title. Unless and until the title of the petitioner or his vendor vis-à-vis the respondent no.5 or his ancestors with respect to the lands in question is conclusively decided by a competent civil court, the issue of mutation, creation of Jamabandi or cancellation of Jamabandi shall remain vacillating and the dispute between the parties shall not be resolved once and for all. It is well settled that the revenue authorities cannot decide the question of title in a mutation proceeding.

In above view of the matter, if the petitioner, being aggrieved by the impugned order dated 23.01.2009 (Annexure-5), files a civil suit before a court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands under dispute, the same shall be decided in accordance with law on the basis of the evidence/materials produced by the parties, but without prejudiced/influenced by any finding recorded either in favour of the petitioner or in favour of the respondent no.5 in the impugned order passed by the respondent District Collector or in the orders passed by the respondent D.C.L.R. or by the Anchal Adhikari for the purposes of mutation of land either in favour of the petitioner or in favour of the respondent no.5.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

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**(Birendra Prasad Verma, J)**