

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16063 of 2013

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Mohan Yadav, Son Of Late Rajeshwar Yadav, Resident Of Village-
Bhitihara, P.S.- Itarhi, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Of Land Reforms, Government Of Bihar, Patna
 2. The Additional Collector, Buxar
 3. The Deputy Collector, Land Reforms, Buxar
 4. The Circle Officer, Itarhi, Buxar
 5. Bhukhan Yadav, Son of Late Kashi Nath Yadav
 6. Manoj Yadav, Son of Late Kashi Nath Yadav
- Both Resident Of Village- Bhitihara, P.S.- Itarhi, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.K.N. Choubey, Sr.Adv. Mr. Siddharth Harsh, Adv.
For the Respondent nos.1to4	:	Mr. Apurva Kumar, AC to GA-11
For the Respondent nos.5&6	:	Mr.Digvijay Kumar Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 08-12-2015 Heard the parties.

The matter at issue is the validity and correctness of the orders passed by the revenue authorities as also the learned Bihar Land Tribunal, Patna regarding mutation of land bearing khata no.210 appertaining to plot no.280 situate at Mauza-Bhitihara in the District of Buxar (hereinafter to be referred to as 'the lands in question').

From the materials available on the record, it is apparent that the order of mutation was passed by the original authority i.e. the respondent Circle Officer, Itarhi in favour of the petitioner, which was affirmed by the appellate authority i.e. the respondent D.C.L.R., Buxar. However, the aforesaid orders were reversed and set aside by the revisional authority i.e. the

Additional Collector, Buxar, which has been affirmed by the learned Bihar Land Tribunal, Patna by the impugned order dated 25.05.2013 passed in B.L.T. Case No.313 of 2014 (Annexure-5).

The learned senior counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondent nos.5 and 6, though argued the matter on behalf of the respective parties at some length, but from the findings recorded by the different authorities regarding the lands in question, this Court is of the considered opinion that for conclusive resolution of the dispute between the parties regarding the lands in question issue of title is required to be gone into, which can be done only by a Civil Court of competent jurisdiction.

In above view of the matter, the petitioner is granted liberty to approach the Civil Court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands under dispute. If such a civil suit is filed on behalf of the petitioner within a period of three months from today, after impleading all the necessary parties, regarding the lands in question then the same shall be considered and decided strictly in accordance with law on the basis of the evidence/materials produced by the parties, but without being prejudiced/influenced by any findings recorded either in favour of the petitioner or in favour of the respondent nos.5 and 6 by the revenue authorities or the learned Bihar Land Tribunal, Patna, which are subject matter of consideration in the present proceeding.

It is clarified that for the purposes of decision of the civil suit to be brought by the petitioner, orders passed by the revenue authorities concerned, referred to above, including the impugned order shall be treated to be non-est.

For a period of three months, the parties are directed to maintain status quo over the lands under dispute.

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

(Birendra Prasad Verma, J)

Arvind/-

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