

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6021 of 2006

=====

Shankar Shukla, son of late Babu Ram Shukla, resident of village-Mathia,
P.O. and P.S.-Basantpur, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Collector, Siwan
 3. The Deputy Collector Land Reforms, At, P.O. and P.S.-Maharajganj,
District-Siwan.
 4. The Circle Officer, At, P.O. and P.S.-Maharajganj, District-Siwan.
 5. Sidheshwar Shukla
 6. Manoj Shukla
 7. Binod Shukla
- All sons of late Bharat Shukla
All resident of village-Mathia, P.O. and P.S.-Basantpur, District-Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr.Adv.

For the Respondent nos.1to4 : S.C.-IV

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 25-07-2016

The matter at issue is the claim of mutation of the names of the parties with respect to the land in question, fully detailed in paragraph 5 of the writ petition.

It is not in dispute that the private respondent nos.5 to 7 filed a petition for mutation of their names with respect to the lands in question, which was finally allowed by the respondent Circle Officer, Basantpur by an order dated 05.05.1995 (Annexure-2) passed in Mutation Case No.9 of 1995-96. The petitioner, being aggrieved by the aforesaid order, filed Mutation Appeal No.42 of 1995, which was finally dismissed by a reasoned and speaking order dated 20.07.1996 (Annexure-3) passed by the respondent D.C.L.R., Maharajganj. The Mutation Revision No.230 of 2000 filed by the petitioner before the respondent District Collector, Siwan was also dismissed by an order dated 18.03.2005 (Annexure-5) on the ground of limitation.

From the facts noticed above, it is apparent that the claim of mutation of the name of the petitioner with respect to the land in question has been rejected by all the three statutory authorities. This Court further finds that with respect to the land in question serious dispute of right and title between the parties is involved; therefore, unless and until that issue is decided conclusively by the competent Civil Court, the question of mutation raised on behalf of the petitioner cannot be appropriately gone into.

In that view of the matter, the present writ petition is disposed of with a liberty to the petitioner to approach the Civil Court of competent jurisdiction for getting his right, title and possession declared over the lands in question.

If such a civil suit is brought by the petitioner within a period of three months from today, after impleading all the necessary parties including the private respondents, besides others, if any, then the same shall be decided on its own merits on the basis of the evidence/materials produced by the parties, but without being prejudiced/influenced by any finding recorded by the revenue authorities with respect to the lands in question in the impugned mutation proceeding.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--