

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12523 of 2014

=====

1. Laxman Prasad, Son of Sitaram Mahto.
2. Ashok Prasad, Son of Late Sitaram Mahto.
3. Parshuram Prasad, Son of Late Sitaram Mahto.
All Resident Of Village - Ghughari Tand, Tola - Lakhanpur, ward no. 34,
P.S. - Civil Lines, Town and District - Gaya (Bihar).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Gaya, District - Gaya (Bihar).
3. The Additional District Magistrate, Gaya, District - Gaya (Bihar).
4. The Deputy Collector Land Reforms, Gaya, District - Gaya (Bihar).
5. The Circle Officer, Chandauti (Nagar), Anchal, Gaya, District - Gaya (Bihar).
6. Raju Mahto, Son of Mathura Mahto, Resident of Village - Lakhanpura, Chandchauri, Gaya, District - Gaya (Bihar).

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dhruv Narayan, Sr.Adv. Mr.Abhishek, Adv.
For the Respondent nos.1to5	:	Mr. Md.Faiz Ahmad, AC to GP-14
For the Respondent no.6	:	Mr.Vishnudeo Narayan, Sr.Adv. Mr.Manoj Kumar Manoj, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-09-2016 Heard the parties.

The grievance of the petitioners in the present writ petition is that, though a judgment and decree passed in Partition Suit No.48 of 2006/230 of 2006 by the learned Sub-Judge-VI, Gaya, as contained in Annexure-1, is in their favour with respect to the lands in question, yet, by the impugned letter/communication dated 06.06.2014 (Annexure-4), the respondent Additional Collector, Gaya has directed the respondent D.C.L.R., Sadar Gaya for issuance of the rent receipt in favour of the private respondent no.6 with respect to the lands in question.

The learned senior counsel appearing on behalf of the

petitioners submits that the impugned letter/communication dated 06.06.2014 (Annexure-4) is in teeth of the Civil Court judgment and decree and, therefore, it is not sustainable.

The learned senior counsel appearing on behalf of the respondent no.6, on the other hand, submits that the judgment and decree passed by the learned Sub-Judge-VI, Gaya in the aforesaid Partition Suit No.48 of 2006/230 of 2006 has not attained its finality, as the matter is still sub-judice before the Civil Court, Gaya for recall/ setting aside the aforesaid exparte judgment and decree. However, he has not been able to justify the issuance of the impugned letter/communication dated 06.06.2014 (Annexure-4) issued by the respondent Additional Collector, Gaya.

After having heard the learned counsel appearing on behalf of the parties and taking into consideration the fact that with respect to the lands in question a judgment and decree has already been passed in favour of the petitioners, against which the respondent no.6 is seeking further remedy before the Civil Court itself, it is directed that the revenue authorities shall not mutate the lands in question in favour of either of the parties even on the basis of the impugned letter/communication dated 06.06.2014 (Annexure-4) issued by the respondent Additional Collector, Gaya. Once the matter is finally concluded by the Civil Court regarding right and title of the parties with respect to the lands in question, then successful party shall approach to the prescribed revenue authority for mutation of his/her/their names with respect to the lands in question and thereafter the competent revenue authority shall pass an appropriate final order. However, on the basis of the impugned letter/communication dated 06.06.2014 (Annexure-4), no order of mutation shall be passed in favour of

the respondent no.6. Since the impugned letter/communication dated 06.06.2014 (Annexure-4) is not only contrary to the judgment and decree of the civil court, Gaya, but it is also contrary to the provisions of The Bihar Land Mutation Act, 2011; therefore it is hereby quashed and set aside.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above. No costs.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--