

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14976 of 2014

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1. Ashok Bhagat, S/O Late Pancham Bhagat
2. Most. Jayanti Devi, W/O Late Pancham Bhagat
Both residents of village- Kharkhura Tarbana, P.S.- Delha, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya
2. The Additional Collector, Gaya, District- Gaya.
3. The Deputy Collector Land Reforms, Sadar Gaya, District- Gaya
4. The Circle Officer, Town, Gaya, District- Gaya
5. Ram Ratan Bhagat, S/O Late Ram Kishun Bhagat @ Kishun Bhagat,
resident of village- Kharkhura Tarbana, P.S.- Delha, District- Gaya

.... Respondent/s

with

Civil Writ Jurisdiction Case No.15633 of 2014

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1. Ashok Bhagat S/o Late Pancham Bhagat
2. Most. Jayanti Devi W/o Late Pancham Bhagat
Both residents of Village - Kharkhura Tarbana, P.S. - Delha, District -
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Additional Collector, Gaya, District - Gaya.
3. The Deputy Collector Land Reforms, Sadar Gaya, District - Gaya.
4. The Circle Officer, Town, Gaya, District - Gaya.
5. Ram Ratan Bhagat S/o Late Ram Kishun Bhagat @ Kishun Bhagat
resident of Village - Kharkhura Tarbana, P.S. - Delha, District - Gaya.

.... Respondent/s

Appearance :

(In CWJC No.14976 of 2014)

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.

For the Respondent nos.1to4 : Mr. Pawan Kumar, AC to GA-1

For the Respondent no.5 : Mr.Santosh Kumar Singh, Adv.

(In CWJC No.15633 of 2014)

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.

For the Respondent nos.1to4 : Mrs. Nutan Sharma, AC to GA-1

For the Respondent no.5 : Mr.Santosh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-10-2016

Heard the parties.

In both the above writ petitions, lands under dispute are common and issues involved therein are interrelated; Even the parties are same and common. Therefore, on the request of the learned counsel appearing on behalf of the parties, both the matters have been heard together and are being disposed of by this common order.

In C.W.J.C. No.14976 of 2014, the matter in issue is the claim of the petitioners vis-à-vis the respondent no.5 for mutation of their names with respect to the lands in question, fully detailed in paragraph 3 of the writ petition.

In C.W.J.C. No.15633 of 2014, the matters in issue are the orders passed under the provisions of The Bihar Land Disputes Resolution Act, 2009 relating to the lands in question.

Indisputably, the claim of mutation raised on behalf of the respondent no.5 was allowed by the Circle Officer, Town, Gaya. The appeal and revision preferred on behalf of the petitioners were dismissed and thereby the order passed by the original authority was affirmed. By the impugned order dated 19.06.2014 (Annexure-4), the case filed before the Bihar Land Tribunal, Patna on behalf of the petitioners has also been dismissed. Thus, it is apparent that, by recording concurrent findings of facts, the claim of the petitioners for mutation of their names with respect to the lands in question has been rejected by all the statutory authorities.

At this stage, the learned counsel appearing on behalf of the petitioners submits that the petitioners have filed Title Suit No.569 of 2014 for declaration of their right and title over the lands in question as also for grant of other incidental reliefs, which is still pending before the learned Sub-Judge-1st, Gaya.

In view of the fact that the claims raised on behalf of the petitioners for mutation of their names with respect to the lands in question have been rejected by all the statutory authorities, C.W.J.C. No.14976 of 2014 is dismissed. However, if the claim raised on behalf of the petitioners with respect to the lands in question is accepted by the Civil Court in the aforesaid pending title suit, then they shall be at liberty to file a fresh petition for mutation of their names with respect to the lands in question, which shall be decided in accordance with law.

It goes without saying that the judgment and decree passed by the Civil Court shall bind the parties.

In view of the order passed relating to C.W.J.C. No.14976 of 2014, the learned counsel appearing on behalf of the petitioner submits that C.W.J.C. No.15633 of 2014 may be disposed of in the same terms, which have been indicated above.

In view of the aforesaid submission made by the learned counsel appearing on behalf of the petitioner, which is not being objected by the learned counsel appearing on behalf of the respondents, C.W.J.C. No.15633 of 2014 is also disposed of in terms of the order passed relating to C.W.J.C. No.14976 of 2014.

Both the above writ petitions stand accordingly disposed of.

(Birendra Prasad Verma, J)

Arvind/-

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