

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.267 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 8734 of 2010**

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1. Rajendra Shah, son of Late Makhi Chand Shah
 2. Baiju Shah, Son of Ganga Shah
 3. Raghunath Shah, Son of Ganga Sah.
 4. Madan Shah Son of Ganga Shah.
 5. Renu Devi Wife of Baiju Shah
 6. Pratima Devi Wife of Raghunath Shah
 7. Manju Devi Wife of Madan Shah
All resident of Village + P.O.- Madarna, P.S.- Pathori Belsar Vaishali Distt-
Vaishali.
 8. Shanti Devi Wife of Late Krishna Nath Singh.
 9. Santosh Kumar @ Santosh Kumar Singh Son of Late Krishnanath Singh
 10. Mantosh Kumar son of Late Krishnanath Singh
 11. Lakhindar Paswan Son of Jagdeo Paswan.
 12. Rajendra Singh son of Late Mahavir Singh
 13. Binod Singh Son of Navindra Singh
 14. Lahwar Singh Son of late Menadhari Singh
 15. Kapildeo Singh son of Jamuna Singh
 16. Rudal Singh
 17. Ranjeet Singh
Both sons of Late Akalu Singh
 18. Lachuman Singh son of Chandradeep Singh
 19. Kaushal Kishore Son of Late Ganga Singh
 20. Sheonath Singh son of Late Shital Singh
 21. Shambhu Singh son of Late Ram Ekbal Singh
 22. Navendra Singh Son of Late Mahavir Singh,
Appellants nos. 8 to 22 R/o Village- Harora P.O- Madarna, P.S.- Pathore Belsar,
(Vaishali), District- Vaishali.
 23. Devanti Devi @ Hemanti Devi Wife of Sheonath Shah, Resident of Village-
Madarna, P.S. Vaishali, District- Vaishali.
 24. Bigan Thakur Son of late Keshav Thakur, Resident of Village- Chitarmanipur,
P.S.- Vaishali, District Vaishali

.... Appellant/s

Versus

1. The State of Bihar.
2. Commissioner, Tirhut Division, Muzaffarpur.
3. Collector, Vaishali.
4. Deputy Collector Land Reforms Vaishali at Hajipur.
5. Circle Officer, Vaishali.
6. Thana Prabhari, P.S.- Patedhi Belsar, District- Vaishali.
7. Taukir Alam Son of Late Ali Azam.
8. Hira Alam Son of Late Ali Azam.
9. Jamal Haidar, son of Late Shafi Haidar.
10. Moti Haidar, Son of Late Shafi Haidar
All resident of Village- Haroro, P.O- Madarna, P.S.- Pataudhi Belsar (Vaishali)
District- Vaishali. At present Resident of Mohalla + P.O.- Maropur Power



House, P.S.- Bhagwanpur, District- Muzaffarpur.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Arun Kumar Lal, Advocate.
Mr. Girjanand Mishra, Advocate.
For the State : Mr. Chittranjan Sinha, PAAG-2.
Smt. Ratna Kumari, AC to PAAG-2

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-12-2016

The order dated 21st of August, 2015 passed by the learned Single Bench of this Court is subject matter of challenge in the present Letters Patent Appeal wherein, the parties were given liberty to avail remedy of Civil Suit in view of the dispute between the parties with regard to right, title and interest arising out of the order of mutation.

The appellants have challenged the order passed by the authorities allowing mutation in favour of Respondent Nos. 6 to 9 in the writ application.

In terms of the Section 11 of the Bihar Land Mutation Act, 2011, the process of sanctioning mutation with regard to right, title and interest over the disputed land is Summary proceedings. Since the mutation proceedings are summary proceedings, the parties are required to avail plenary jurisdiction of the Civil Court in respect of disputed question of right, title and interest over the land in



question.

In view thereof, we do not find any error in the order passed by the learned Single Bench. Thus, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.12.2016
Transmission Date	

