

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8314 of 2012

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Md. Ibrahim @ Sheikh Ibrahim S/O Late Sheikh Islamuddin R/O Village-
Banaili, P.S.- Kasba, Distt.-Purnea

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Bihar, Patna
2. The Collector, Purnea
3. The Deputy Collector, Land Reforms, Sadar, Purnea
4. The Circle Officer, Kasba Circle, Purnea
5. Nuhu Alam S/O Hazi Saber Ali R/O Village- Banaili, P.S.-Kasba,
District- Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Respondent Nos. 1 to 4 : Mr. Satish Kumar Sinha, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-08-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned AC to GP 5, appearing on behalf of the respondent nos. 1 to 4. However, despite issuance of notice, none appears on behalf of the respondent no.5.

2. The matters at issue are the claims of mutation raised on behalf of the petitioner, besides five others, with respect to the lands in question, fully detailed in paragraph 4 of the writ petition.

3. The petitioner is aggrieved by the order dated 09.09.2011 passed in Mutation Revision Case No. 50 of 2010 by the respondent District Collector, Purnea, as contained in Annexure-18 to the writ petition, whereby the aforesaid mutation revision case filed on behalf of the petitioner, and five others (not impleaded as party in the present writ petition) has been dismissed and the order dated 25.03.2010 passed by the appellate authority in Mutation Appeal No. 32 of 2008-09, as contained in Annexure-16, as also the original order passed by the respondent Circle

Officer, as contained in Annexure-14, have been affirmed.

4. From the facts noticed above, it is apparent that the claims of mutation raised on behalf of the petitioner, besides five others, have been rejected by all the three statutory authorities by recording concurrent findings of fact against them. Furthermore, the present writ petition suffers from non-joinder of necessary parties, as five other revisionists have not been impleaded as party respondents. The petitioner claims to be the purchaser of the lands in question.

5. The learned counsel for the petitioner submits that the orders impugned have been passed during pendency of Title Suit No. 287 of 1994 filed by the petitioner and few others. Therefore, according to him, revenue authorities should have awaited the decision of the civil court and should not have passed order of mutation in favour of the respondent no.5.

6. The learned AC to GP 5, appearing on behalf of the official respondents, submits that aforesaid title suit was filed on behalf of the petitioner and others during the pendency of the Consolidation proceeding. He further submits that the lands in question was also purchased by the petitioner and others during the pendency of consolidation proceeding without obtaining necessary sanction from the Consolidation Officer; therefore, claim of right and title of the petitioner over the lands in question is under cloud.

7. Be that as it may, since the claim of mutation raised on behalf of the petitioner has been rejected by all the three statutory authorities by recording concurrent findings of facts against him, this Court is not inclined to interfere with the orders impugned. Accordingly, the writ petition is dismissed.

8. However, if the petitioner succeeds in the aforesaid pending title suit and decree is passed in his favour with respect to lands in question, then he shall be at liberty to approach the revenue authority again for passing a fresh order of mutation in the light of the judgment and decree passed by the civil court, and in that case, the claim of mutation shall be decided afresh without being prejudiced by the findings recorded in the impugned orders.

9. The writ petition stands finally dismissed with the observations and directions made above.

(Birendra Prasad Verma, J)

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