

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19024 of 2014

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Bimlesh Kumari Devi @ Madhumala Kumari Devi, D/o Late Sudama Tiwary, Resident of Village Belhan, P.O. Ganj Bhadasara, Police Station Dinara, District Rohtas and Wife of Lakshmi Kant Tiwary, Resident of Village and Post Office Keshath, Police Station Nawanagar, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The Additional Collector, Rohtas (Sasaram).
 3. The Deputy Collector, Land Reforms, Bikramganj, Rohtas.
 4. The Circle Officer, Dinara, Rohtas.
 5. Baliram Tiwary.
 6. Shree Kant Tiwary
- Both Sons of Late Ayodhya Tiwary, Resident of Village Belhan, P.O. Ganj Bhadasara, Police Station Dinara, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Narayan Dubey, Adv.
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-10-2016 Heard the learned counsel for the petitioner. However, none appears on behalf of the State of Bihar and its functionaries, though the name of the learned State counsel is printed in the daily cause list.

The matter in issue is the claim of the parties for mutation of their names with respect to the lands in question.

Indisputably, the petition for mutation filed on behalf of the petitioner was rejected by the Circle Officer. The appeal preferred on behalf of the petitioner was also dismissed. However, the petitioner succeeded before the revisional authority. The private respondent no.5, being aggrieved by the revisional order, moved before the Bihar Land Tribunal, Patna in B.L.T. Case No.260 of 2013, which has been allowed by the impugned order

dated 3rd October, 2013, as contained in Annexure-6 to the writ petition.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he has fairly conceded that with respect to the lands in question Probate Case No.4 of 2011 is pending before the learned District Judge.

The learned Bihar Land Tribunal, Patna, while passing the impugned order, has observed that the order of mutation can be passed by the revenue authorities with respect to the disputed land after disposal of Probate Case No.4 of 2011. In above view of the matter, it is apparent that, for the present, there is no order of mutation in favour of either party. The claim of the petitioner vis-à-vis the respondent no.5 is admittedly pending before the learned District Judge in Probate Case No.4 of 2011.

For the aforesaid reasons, this Court does not feel persuaded to interfere with the impugned order dated 3rd October, 2013 passed in B.L.T. Case No.260 of 2013 by the learned Bihar Land Tribunal, Patna. The writ is devoid of merit and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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