

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1603 of 2013
IN
Civil Writ Jurisdiction Case No. 17990 of 2011**

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Sunita Devi W/O- Anil Kumar Resident Of Village- Adalchak, P.S.- Masaurhi,
District- Patna

.... Appellant

Versus

1. The State Of Bihar
2. The District Collector, Patna
3. The Additional District Collector, Patna
4. The Deputy Collector, Land Reforms, Masaurhi, Patna
5. The Circle Officer, Masaurhi, Patna
6. Siyamani Devi W/O Shyam Nandan Singh Resident Of Village- Hansadih, P.S.-
Masaurhi, District- Patna
7. Sheo Nandan Singh S/O Late Raja Ram Singh Resident Of Village- Hasadih,
P.S.- Masaurhi, District- Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Amaresh Kumar Sinha, Advocate

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-03-2017

The delay of 54 days is condoned. I.A. No. 8795 of
2013 is allowed. The matter is heard on merits thereafter.

Vide order dated 14.12.2011, two writ applications were
clubbed and heard together by the learned single Judge, who
disposed of both the writ applications without interfering with the
order impugned giving leeway and liberty to the parties to agitate the
matter before a civil Court or such forum because mere entry of
name by way of mutation does not create a title. The writ application



was disposed of in following terms :

“I have heard the parties and perused the materials on record. It appears that the issue raised by the petitioners was/were raised in Amarendra Kumar Singh (supra). A division bench of this Court, on going through the entire provisions, found in paragraph no.17 that Additional Collector was duly empowered to exercise all revisional power of the Collector of the District under Section 16 of the Act. In view of the said ratio laid down by a division bench of this Court, it is difficult for this Court to take a different view in the matter.

Regard being had to the above, this Court does not find any merit in the submissions of the learned counsel(s) for the petitioners that the Additional Collector had no jurisdiction to pass orders as contained in Annexures-3 and 5 respectively of the writ petitions.

Adverting to the next submission of the learned counsel(s) for the petitioners that while deciding the matter certain observations/findings have been recorded in the impugned order(s) (Annexures-3 & 5 respectively) relating to the title of the land, this Court is of the view that any observation relating to title of the land made in the impugned order(s) shall not prejudice the case of the parties in case they agitate the matter before a Court of competent jurisdiction for



redressal of their grievance. Law is well -settled that mutation of name in the revenue records is only for the purpose of realization of land rent/revenue. It neither creates nor extinguishes title.”

Aggrieved by the order of the learned single Judge, some of the petitioners in C.W.J.C. No. 20215 of 2011 filed L.P.A. No. 200 of 2012. The Division Bench did not interfere with the order of the learned single Judge,

If this be so then the present appeal is also disposed of in terms of L.P.A. No. 200 of 2012.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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