

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19639 of 2014

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1. Deepak Kumar Gupta Son of Sri Om Prakash Gupta Resident of Village-
Bara chakiya,P.S-Chakiya ,District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. K. P. Ramaiyah, Member, Administrative, The Bihar Land Tribunal
,Patna
3. The Collector, East Champaran
4. The Land Reforms Deputy Collector, Chakiya, District-East Champaran.
5. The Anchal Adhikari,Chakiya, District-East Champaran.
6. The Executive Officer, Nagar Panchayat, Chakiya, District-East
Champaran.
7. The Assistant Manager, Raj Hathua, Hathua Palace, Hathua, District-
Gopalganj.
8. Sri Gopalji Prasad Son of Late Nand Lal Sah Resident of Village-
Sahebganj Road, Bara Chakiya, P.S+P.O-Chakiya, District-East Champaran
9. Sri Gopal Pandey Son of Late Baliram Pandey Resident of Village-Hindu
Chakiya ,P.O+P.S-Chakiya,District-East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava

For the Respondent/s : Mr. SC13- Arvind Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 21-08-2018

Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 05.09.2014 passed by the Member, Administrative, Bihar Land Tribunal, Patna in B.L.T. case No. 275 of 2013 by which he dismissed the petition of the petitioner.

The brief facts are that the petitioner purchased a piece of land measuring 5 Katha 17 dhurs on 28.04.2005 of plot No. 1576, Khata No. 17, Thana No. 136 and Tauzi No. 455. The



name of petitioner was mutated vide order passed in Mutation Case No. 508/2005-06. The land in question was earlier standing in the name of Baliram Pandey, father of respondent No. 9. The father of respondent No.9 got Parcha by Hathua Estate on 03.03.1931 and rent receipt was issued in favour of father of respondent No.9. The Circle Officer, Chakia got the name of the petitioner mutated. The Executive Officer, Nagar Panchayat, Chakiya filed Mutation Appeal No. 01/2007-08 and the order of Circle Officer was set aside, mutating the name of father of respondent No.9, on the ground that there is no chit of paper to show that Baliram Pandey or his son, respondent No.9, got the land through deed of Patta from Hathua Estate. The revisional court as well as B.L.T. dismissed the revision and petition of the petitioner holding that mutation in pursuance of the sale deed executed by respondent No.9 is doubtful as father of respondent No.9 did not get any Patta from Hathua Estate.

The question arises for consideration as to whether the order of the appellate authority, revisional authority and B.L.T, require any interference and the order setting aside the order of mutating authority on the ground that there involves question of title and on such the order mutating the name of petitioner on the basis of sale deed is bad?



Mr. Sri Prakash Shrivastava, the learned counsel for the petitioner, submits that he purchased the land from Gopal Pandey, respondent No.9, on 28.04.2005 and filed petition for getting his name mutated and the Circle Officer after verifying all the facts vide order passed in Mutation Case No. 508/2005-06 ordered for mutating the name of petitioner but the then Circle Officer was holding three posts, i.e., Anchal Adhikari, Assistant Registrar and the Executive Officer, Nagar Panchayat, Chakia. The Circle Officer, respondent No.5, passed the order of mutation on 23.12.2005 but without any cogent and valid ground the Executive Officer preferred appeal on 31.11.2007 against the order passed in Mutation Case No. 508/2005-06. The DCLR set aside the order of the Circle Officer, mutating the name of the petitioner, and allowed the appeal. It is submitted that the DCLR placed his reliance on the letter of Manager of Hathua Raj in which he informed that Hathua Raj did not settle the land situated in Chakia in favour of any person. It is further submitted that the Collector in Revision Case No. 19/2011-12 and Member, Administrative, B.L.T. also dismissed the petitions of the petitioner vide Annexure-6 and Annexure-7 without taking into consideration the facts that the petitioner is bonafide purchaser and the order getting the name of petitioner mutated passed by the



Circle Officer does not require any interference.

The learned counsel for the State submits that the petitioner purchased the land from Gopal Pandey, who claimed that the land in question was settled to his father, late Baliram Pandey, by Hathua Estate on 03.03.1931 but on verification from the office of Hathua Estate the Assistant Manager Hathua Estate reported through his letter dated 21.04.2013 that no land owned by Hathua Estate in Chakia had been settled in favour of any person and, thus, the sale deed executed by Gopal Pandey is of no consequence as Gopal Pandey has no title over the land. Consequently, the petitioner would not get any title. It is further submitted that entire area of Khesra No. 1576 is 15 bigha 3 dhurs recorded in R. S. Khatyan as Zirat Malik Bakabje Thikedar out of which 3 Katha 10 dhur area was transferred by Mr. Gopeshwar Prasad Shahi in favoaur of Gram Panchayat Chakia, presently known as Nagar Panchayat, Chakia in the year 1957. Three Katha 10 dhur of land is used by Nagar Panchayat, Chakia and the same is used for dumping ground of garbage and the land purchased by the petitioner is same land used for dumping garbage by Nagar Panchayat, Chakia. During the course of hearing of mutation appeal the petitioner could not produce any chit of paper to show that land in question was settled in favour of the father of the



petitioner, Gopal Pandey. It was found that land in question was used by Nagar Panchayat, Chakia dumping ground for garbage, therefore, the order of DCLR, the Collector and B.L.T. did not require any interference. The learned counsel appearing for Nagar Panchayat, Chakia also submitted that the land in question belongs to Nagar Panchayat, Chakia and Gopal Pandey without having any title over the land sold the same in favour of the petitioner.

Having considered the submission of the parties and on perusal of the order passed by the DCLR in Mutation Appeal No. 01/2007-08 it transpired that the Executive Officer, Nagar Panchayat, Chakia filed appeal on the ground that without any notice to Nagar Panchayat the petitioner got the land mutated vide order dated 23.12.2005. The land of Khata No. 17, plot No. 1576 belongs to Maharaja Gopeshwar Shahi and he donated the land for the purpose of dumping ground in the year 1957. The land is also recorded in the name of Nagar Panchayat, Chakia and Assistant Manager of Hathua Raj informed the S.D.O that no piece of land situated in Chakia was settled by any authority of Hathua Estate in favour of any other person. The DCLR also found that the Circle Officer without inspecting the spot and perusing the records ordered for mutating the name of petitioner and, accordingly, set aside the order of the Circle Officer. The revisional authority as well as the Member, B.L.T.



held that the name of petitioner was mutated on the basis of forged and fabricated revenue receipts and there involves question of title and, therefore, I find no reason to interfere in the order impugned and dispute involves question of title as the settlement through Patta in favour of father of the vendor by Hathua estate is under cloud and no chit of paper is filed before the authority to show that Hathua estate settled the land even in favour of father of the vendor of the petitioner.

Considering the facts aforesaid, I find that the impugned order does not require any interference. This writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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