

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19184 of 2014**

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1. Chameli Devi Wife of late Ramjee Prasad
  2. Rajendra Prasad Son of late Ramjee Prasad both resident of Village- Mahpur Khajurani, P.O.- Faridpur, P.S.- Hussainganj, Distt- Siwan
  3. Urmila Devi D/o late Ramjee Prasad, Wife of Sri Kirani Sah Resident of Village & PO- Daniyalpur, P.S. Tarwara, Distt- Siwan
  4. Pramila Devi D/o late Ramjee Prasad, Wife of Sri Lakshman Prasad Resident of- Agya Mohamda, PO.- Mohmada, P.S.- Bhagwanpur, Distt- Siwan.
  5. Geeta Devi D/o late Ramjee Prasad, Wife of Kamakhya Prasad, Resident of Kurseong, P.O. +P.S. - Kurseong, Distt- Darjeeling (West Bengal).
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.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Siwan
3. The DCLR, Siwan
4. Circle Officer, Pachrukhi, Siwan
5. Fazal Ali, son of Late Mohammad Ali, resident of village- Telhatta Bazar, P.O., P.S., Town & District- Siwan
6. Md. Asif, son of Late Khalil, resident of village- Telhatta Bazar, P.O., P.S., Town & District- Siwan
7. Md. Shakil, son of Habibur Rahman, resident of Galla Bazar, P.O., P.S., Town & District- Siwan

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Respondent/s : Mr. SC4-Md. Raisul Haque

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

**ORAL ORDER**

4      24-09-2018      Heard both sides.

The petitioner (now duly substituted by his legal heirs) has filed this writ petition for setting aside the order dated 17.09.2014 passed by Member(Administrative), B.L.T. Patna in B.L.T. Case No.964 of 2013(Annexure-8) by which the learned Member(Administrative) held that in this case complicated



question of title is involved and dismissed the case of the petitioner confirming the revisional order, appellate order and the order of the Circle Officer by which the names of respondent Nos.5 to 7 were mutated.

The factual matrix of the case is that respondent Nos.5 to 7 filed petition on 17.04.2012 before the C.O., Pachrukhi, Siwan on the basis of which Mutation Case No.278 of 2012-13 was registered. The respondents stated that the land was standing in the name of Akhtarun Nisa vide Jamabandi No.89 on the basis of sale deed executed by Ram Kumari, wife of Raghuwar Sah. Respondent Nos.5 to 7 have partitioned the lands duly mentioned in the petition accordingly, the names of respondent Nos.5 to 7 were mutated according to their shares as they are legal heirs of Akhtarun Nisa in whose name Jamabandi was standing. The petitioners filed appeal before the D.C.L.R. being Mutation Appeal No.110 of 2012-13. The D.C.L.R. claiming the lands to be settled by Sheogobind Gosai who executed a zerpesgi deed in favour of ancestor, Babulal Sah but the D.C.L.R. found that since Jamabandi No.89 was standing in the name of Akhtarun Nisa, the Circle Officer mutated the names of respondent Nos.5 to 7 according to their shares amicably partitioned among themselves and the petitioner raised question of title. D.C.L.R. dismissed the



appeal. The revisional authority and the B.L.T. also dismissed the revision and the petition of the petitioner in B.L.T. Case No.964 of 2013 holding that the petitioner raised disputed question of title and the same cannot be decided in mutation case.

Learned counsel for the petitioners submits that Sheogobind Gosai executed zerpesgi deed in favour of Babulal Sah in the year 1929 and the land is in possession of the petitioner but on query, learned counsel for the petitioners admitted that Jamabandi No.89 was standing in the name of Akhtarun Nisa who claimed to get the land by virtue of sale deed executed by Ram Kumari wife of Raghuwar Sah. Circle Officer simply mutated the names of legal heirs of Akhtarun Nisa on the basis of the documents filed by the legal heirs of Akhtarun Nisa, respondent Nos.5 to 7. Therefore, I find no reason to interfere into the order of the Member(Administrative), B.L.T..

Accordingly, this writ petition is dismissed as devoid of any merit. The petitioners are at liberty to file civil suit or to take resort to any appropriate forum for redressal of their grievance.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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