

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12854 of 2017

1. Md. Afsar Khan, Son of Late Sharafat Hussain Khan.
2. Md. Firoz Khan, Son of Late Sharafat Hussain Khan.
3. Md. Afroz Khan, Son of Late Sharafat Hussain Khan.
4. Md. Imran Khan, Son of Late Sharafat Hussain Khan.
5. Md. Irphan Khan, Son of Late Sharafat Hussain Khan, All residents of Village- Dhananawan, P.O.- Sanwan, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Gaya.
3. The Additional Collector, Gaya.
4. The Deputy Collector, Land Reforms, Sherghati, District- Gaya.
5. The Circle Officer, Mohanpur, District- Gaya.
6. Md. Shahjahan Khan, Son of Md. Tauquir Khan,
7. Farahat Khanam, Daughter of Md. Sahajahan Khan,
8. Rafat Khanam, Daughter of Md. Sahajahan Khan,
9. Shahrukh Khan, Son of Md. Shahjahan Khan, All residents of Village- Bazukalan, P.O.- Bumaur, P.S.- Mohanpur, District- Gaya.
10. Shakila Khtoon, Daughter of Sharafat Hussain Khan, resident of Village- Dhananawan, P.O.- Sanwan, P.S.- Barachatti, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik
For the Respondent/s : Mr.Sajid Salim Khan -Sc25

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-09-2019 Learned counsel for the petitioners is permitted to
make correction in the parental name of the petitioners.

Heard Mr. Kumar Kaushik, the learned counsel
appearing on behalf of the petitioners and the learned counsel
for the State.



The petitioners filed this writ petition for quashing the order dated 09.12.2016, passed by the learned Judicial Member, Bihar Land Tribunal, Patna in B.L.T. Case No.1102 of 2015 by which the Judicial Member, B.L.T. set aside the order of the Additional Collector, Gaya and remitted the matter to the Circle Officer, Mohanpur to pass order in accordance with law on the point of mutation, if application be filed before him by the respondents after hearing both sides.

Admitted facts are that one Md. Siddique Khan executed a deed of gift in favour of his niece Tahira Khatoon in the year 1989. Tahira Khatoon also died in the year 1996 but her legal heirs filed mutation petition before the Circle Officer in the name of Tahira Khatoon for mutating her name. The Circle Officer rejected the petition of mutation doubting the genuineness of the deed of gift but the Deputy Collector, Land Reforms, Sherghati, District Gaya allowed the appeal filed on behalf of Tahira Khatoon and her legal heirs and ordered for mutation of their names. The Additional Collector in Mutation Revision No.34 of 2014-2015 set aside the order of the Deputy Collector on the grounds that the initial application was made in the name of Tahira Khatoon who was dead on the date of application but at the same time the Additional Collector also



held that the LTI of Md. Siddique Khan on the deed of gift is to be tested. Admittedly the Additional Collector while dealing with the mutation case is not at all legally authorized to look into the genuineness of the deed of gift but since the matter was remitted to the Circle Officer setting aside the order of the Additional Collector to pass order afresh in accordance with law, I do not find any illegality in the order passed by the learned Judicial Member, Bihar Land Tribunal, Patna.

Accordingly, this writ petition is dismissed with liberty to the petitioners who are the legal heirs of Siddique Khan, if so advised, to file suit challenging the deed of gift.

(Prabhat Kumar Jha, J)

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