

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6283 of 2019

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Rameshwar Choudhary Son of Late Raj Paltan Choudhary Resident of Village-Gdaipatti, P.O.-Baghla, P.S.-Moro, District-Darbhanga, Present residing at Mohalla-Mithanpur, South of Binda Kothi, P.O.-Ramna, P.S.-Mithanpura, District-Muzffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The District Magistrate cum Collector, Muzaffarpur.
3. The Additional District Collector Muzaffarpur.
4. The Deputy Collector, Land Reforms (West), Muzaffarpur
5. The Circle Officer, Kanti, Muzaffarpur.
6. Ratneshwar Choudhary Son of Late Raj Paltan Choudhary resident of Village-Godaipatti, P.O.-Baghla, P.S.-Moro, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal
For the Respondent/s	:	Mr.Sajid Salim Khan (SC-25)
		Ms. P. Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 2 02-04-2019 The petitioner had filed a case for mutation of lands before the Circle Officer, Kanti, Muzaffarpur in his name, consequent upon death of his father, claiming himself to be the sole heir, which was allowed by an order dated 29.06.2006. This is no more in dispute that petitioner was not the only the legal heir of his father. It seems that the petitioner's brother subsequently filed an application for correction of Jamabandi, giving rise to Jamabandi Correction Case No. 12 of 2013-14 before the Additional Collector, Muzaffarpur, questioning the



Jamabandi created solely in the name of the petitioner. He also filed a Mutation Appeal No. 159 of 2012-13 against the order of the Circle Officer, allowing the petitioner's application for mutation which was dismissed by an order dated 06.12.2014, passed by the Deputy Collector Land Reforms (West), Muzaffarpur. Against the order of the Deputy Collector Land Reforms (West), Muzaffarpur dated 06.12.2014, respondent No.6 filed a Mutation Revision Case No. 04 of 2015 before the Additional Collector, Muzaffarpur. The Jamabandi Correction case No. 12 of 2013 and Mutation Revision Case No. 04 of 2015 came to be disposed of on the same day by separate orders passed by the Additional Collector, Muzaffarpur. The aforesaid two orders passed by the Additional Collector, Muzaffarpur became subject matter of challenge before the Bihar Land Tribunal in B.L.T. Case No. 397 of 2017. The Tribunal by order dated 29.10.2018 has dismissed the application filed by the petitioner and has thus, refused to interfere with the orders of the Additional Collector.

2. From the impugned order of the learned Member (Administrative) passed in BLT Case No. 397 of 2017, it seems that the learned Member has taken note of the fact that the petitioner's claim that he was the only son of his father as



raised by him in Mutation case No. 3032 of 2004-05 was false. For the said reason and other reasons as mentioned in the order, the learned Member has refused to interfere with the orders of the Additional Collector dated 03.03.2017 passed in Mutation Revision Case No. 04 of 2015-16 and Jamabandi Correction Case No. 12 of 2013-14.

3. Learned counsel appearing on behalf of the petitioner has submitted that the learned Additional Collector has, as a matter of fact, decided rights, title and interest of the parties in his order dated 03.03.2017, which he could not have done.

4. Mr. Gautam Kejriwal, learned counsel appearing on behalf of the petitioner contends that the findings recorded by revenue Courts may prejudice the petitioner's case, if he files a title suit for declaration of his right, title and interest in the lands in question. In view of this Court's decision in case of *Maheshwar Mandal Vs State of Bihar and others* reported in **2018(3) PLJR 1007**, there cannot be any dispute that the authorities exercising powers under the Bihar Land Mutation Act or even the Bihar Land Tribunal cannot adjudicate complex questions of right title and interest of the parties in respect of immovable properties.



5. In the aforesaid background, this application is disposed of with the only observation that in case any suit is filed before a Civil Court of competent jurisdiction by either of the party, the findings recorded by the Additional Collector touching their respective title shall not prejudice their case.

6. This disposes of the application.

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(Chakradhari Sharan Singh, J)

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