

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5766 of 2019

1. Rajesh Kumar Choudhary @ Rajesh Chaudhary Son of Late Jawahar Choudhary,
2. Sanjay Sharma Son of Late Ramayan Sharma
3. Lav Kus Mahto Son of Dhorai Mahto
All are resident of Village Harkhuya, P.S. Gopalganj, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue Department, Government of Bihar, Patna.
2. The Collector, Gopalganj.
3. The Additional Collector, Gopalganj.
4. The Deputy Collector, Land Reforms, Gopalganj.
5. The Sub-Divisional Officer, Gopalganj.
6. The Circle Officer, Gopalganj.
7. The D.R.M. Banarshi, Department of Railway, Government of India.
8. Yadeshwari Prasad Verma @ Yadeshwari Prasad Son of Late Chandra Gokhula Prasad Resident of Village Harkhuya, P.S. Gopalganj, District Gopalganj.
9. Adalat Singh Son of Late Bachchu Rai Not Address
10. Chandrama Singh Son of Late Bachchu Rai Not Address
11. Bhagwanti Singh Son of Late Bachchu Rai Not Address
12. Jagdish Singh Son of Late Bachchu Rai Not Address
13. Jamuna Sharma Son of Briksha Sharma Not Address
14. Lal Bahadur Sharma Son of Late Pramhans Sharma Not Address
15. Chhotak Sharma Son of Late Pramhans Sharma Not Address
16. Birmati Devi Wife of Late Pramhans Sharma Not Address
17. Satya Narayan Sharma Son of Late Diksha Sharma Not Address
18. Paryag Sharma Son of Briksha Sharma Not Address
19. Ramdas Sharma Son of Late Dirpal Sharma Not Address
20. Manoj Sharma Son of Late Deo Narayan Sharma Not Address
21. Sanoj Sharma Son of Late Deo Narayan Sharma Not Address
22. Bhola Sharma Son of Late Deo Narayan Sharma Not Address
23. Badari Sharma Son of Late Deo Narayan Sharma Not Address
24. Sona Devi Wife of Late Deo Narayan Sharma Not Address
25. Shiv Narayan Sharma Son of Late Dirpal Sharma Not Address
26. Ramlal Sharma Son of Late Dirpal Sharma Not Address



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad
Mr. Vyas Kumar Mishra
For the Respondent/s : Mr. Rishi Raj Sinha SC19
Ms. Archana P., AC to SC 19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**ORAL ORDER**

2 29-03-2019 The petitioners seek quashing of an order, dated 22.08.2016, passed in Mutation Revision Case Nos. 15 of 2012, 03 of 2014-15 and 09 of 2013, by the Additional Collector, Gopalganj, whereby he has held an order, dated 16.10.2012, passed in Mutation Case No. 974/2012-13, by the Circle Officer, Gopalganj, as illegal. He has also recorded that, since the dispute involves questions of right, title and interest of the respective parties, the parties should approach the civil court of competent jurisdiction for declaration of their respective right, title and interest.

Learned counsel, appearing on behalf of the petitioners, has submitted that the remedy of revision under the Bihar Land Mutation Act by filing a mutation case before the Additional Collector, Gopalganj, against the order of the Circle Officer, Gopalganj, was impermissible and that ought not to have been entertained. He contends that an appeal could have, rather, been filed against the order before the Deputy Collector



Land Reforms, Gopalganj.

Upon perusal of the materials on record, however, I find that there is no infirmity in the decision of the Additional Collector, Gopalganj, to the extent he has recorded that the matter involves complicated questions of right, title and interest of the respective parties, which could be adjudicated upon by a competent court of civil jurisdiction.

In such circumstance, without entering into the question of maintainability of the revision case before the Additional Collector, leading to passing of the impugned order, this application is disposed of with a liberty to the petitioners to approach the competent court of civil jurisdiction by filing a suit for declaration of their respective right, title and interest. It is indicated that no observation made or finding recorded by the authorities under the Bihar Land Mutation Act, in the order(s) either passed by the Additional Collector, Gopalganj or the Circle Officer, Gopalganj, shall prejudice the case of the respective parties, if any title suit is filed.

(Chakradhari Sharan Singh, J)

Ashish/-

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