

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8399 of 2019

1. Arun Mishra Son of Late Naresh Mishra Resident of Village Parsa Haat, P.S.- Raniganj, District- Araria.
2. Sushil Mishra Son of Late Naresh Mishra Resident of Village Parsa Haat, P.S.- Raniganj, District- Araria.
3. Barun Mishra Son of Late Naresh Mishra Resident of Village Parsa Haat, P.S.- Raniganj, District- Araria.
4. Nandan Kumar Mishra Son of Late Naresh Mishra Resident of Village Parsa Haat, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Collector, Araria.
3. The Deputy Collector, Land Reforms, Araria.
4. The Anchal Adhikari, Raniganj, District- Araria.
5. Arun Kumar Singh Son of Late Jaidayal Singh Resident of Village- Sandip, P.S. Rupauli, District- Purnea.
6. Awadhesh Kumar Singh Son of Late Jaidayal Singh Resident of Village- Sandip, P.S. Rupauli, District- Purnea.
7. Hari Lal Sah Son of Late Amrit Lal Sah Resident of Village- Parsa Haat, P.S. Raniganj, District- Araria.
8. Dayanand Sah Son of Late Amrit Lal Sah Resident of Village- Parsa Haat, P.S. Raniganj, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bhubneshwar Prasad
For the Respondent/s	:	Mr.Subash Chandra Yadav (GP-15)
		Mr. Ramesh Kumar Singh, AC to GP-15

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-04-2019 Heard learned counsel for the parties.

2. The petitioners have challenged the order dated 20.08.2018, passed by learned Member (Administrative), Bihar Land Tribunal, Patna, whereby he has refused to interfere with the order dated 16.04.2016, passed by the Additional Collector, Araria in Mutation Revision Case No,



27 of 2013-14 turning the claim of mutation of the petitioners.

2. The dispute is apparently in relation to land of Mauza Parsa Haat, Circle Raniganj of Khata No. 1012, Keshra No. 1950, Area 24.66 decimals. The petitioners claim to be the vendees of the sons of Jaidayal Singh. According to the petitioners case, grandfather of their vendees Ramraj Singh had three brothers, namely, Ragho Singh, Sachidanand Singh and their father Jaidayal Singh(father of the Vendees). It is their case that brothers of the petitioners' father, namely, Ragho Singh, Sachidanand Singh had executed sale deed in respect of the land falling in the share of Jaidayal Singh.

3. It is admitted position that the vendors of the land are sons of said Jaidayal Singh and other lineal descendant of Late Ramraj Singh. The petitioners claimed that they had purchased the land in the year 2011.

4. Taking into account the entire facts and circumstances, learned Member (Administrative) has concluded that a sale deed was executed by Ragho Prasad Singh and Sachidanand Singh in the year 1962 itself, which was not objected to, by the father of the petitioners' vendees, at any point of time and Jamabandi in the names of successive vendees which was also not challenged by the said Jaidayal Singh. Learned Member (Administrative) has accordingly recorded that the order of the Circle Officer and the Deputy Collector Land Reforms by directing for creation of Jamabandi had in fact decided title in favour of Jaidayal Singh was beyond his jurisdiction. The said conclusion recorded by the Member (Administrative), in my opinion, does not suffer from any legal infirmity, requiring this Court's interference in a proceeding under Article 226 of the Constitution of India.



5. Learned counsel for the petitioners has submitted that the petitioners are still in possession over the land, which has been subject matter of the mutation proceeding.

6. Without commenting upon the said stand taken on behalf of the petitioners, it is observed that any disputed question of right title, and interest and possession over the land in question, can be adjudicated upon by a competent Court of civil jurisdiction only. Any observation made or any finding recorded either by the Tribunal or by the authorities under the Mutation Act, 2011 in the proceeding in question, shall not prejudice the case either of the parties, if any suit is filed.

7. This application is disposed of with the observation as noted above.

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(Chakradhari Sharan Singh, J)

