

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6751 of 2019

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Moshin Akhtar, Son of Shamim Khan @ Shamim Akhtar Khan, Resident of Village-Lawapur, Narain, P.S.-Mahnar, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Chairman, Bihar Land Tribunal Patna.
 3. The Collector, Vaishali.
 4. The Deputy Collecior, Land Reforms, Hajipur.
 5. The Circle Officer, Hajipur, District Vaishali.
 6. Sarfraz Ahmad
 7. Suhail Ahmad
 8. Sahnwaz Ahmad @ Bittu Ahmad
- Respondent Nos. 6 to 8 are sons of Late Shamim Anwar, Resident of Village Jarhua, P.S. Hazipur, District Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K. Chandram
Mr. Harun Quorashi
For the Respondent State: Mr. Sangha Mitra Ghosh, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-04-2019 Heard learned Counsel for the parties concerned.

Learned Counsel appearing on behalf of the petitioner has submitted that the dispute between them and the Opposite Party Nos. 6 and 7, relates to title, which can be adjudicated upon by the competent Court of civil jurisdiction.

The order passed by the Bihar Land Tribunal, Patna, in B.L.T. Case No. 371 of 2017, is being assailed in the present case, whereby it has set aside the order of the Additional



Collector, Vaishali, in Mutation Revision Case No. 14 of 2016-17, whereby the Collector had set aside the order, passed by the Circle Officer, Hajipur, in Mutation Case No. 2113 of 2009-10. The Tribunal has found the order of the Additional Collector, Vaishali, to be cryptic.

It appears that the petitioner is the son of Shamim Khan @ Shamim Akhtar Khan, who was respondent No. 6 before the Bihar Land Tribunal. It further appears that he had filed a Title Suit, on 01.01.1994, claiming his title over the disputed land, which was dismissed in default. The Additional Collector, Vaishali, had, however, by the impugned order accepted the title of the said respondent No. 6 in his order, dated 30.09.2016, passed in Mutation Revision Case No. 14 of 2016-17.

Learned Counsel appearing on behalf of the petitioner has submitted that the Tribunal, instead of allowing the application and affirming the order of the Additional Collector, Vaishali, ought to have left the matter as such, with liberty to the parties to approach competent Court of civil jurisdiction.

The impugned order of the Tribunal, setting aside the order of the Additional Collector, Vaishali, does not require interference in the present proceeding since it is been noted that



the order of the Additional Collector, Vaishali, was cryptic, which is factually correct.

However, learned Counsel appearing on behalf of the petitioner, appears to be correct in his submission that the question of title could not be adjudicated by the revenue authorities and only competent Court of civil jurisdiction can decide such issues.

In view of the submission, as above, this application is disposed of with an observation that if any of the contesting parties approach competent Court of civil jurisdiction for declaration of their right, title and interest or possession, any adjudication made in the impugned order or in any of the orders passed by the authorities under the Bihar Land Mutation Act, 2011, shall not prejudice their case in any manner.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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