

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12754 of 2019

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Santosh Kumar Son of Basudeo Das Resident of Village Basudeopur, P.O. and
Police Station Barhara Kothi, District Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Collector, Purnea.
2. The Deputy Collector Land Reforms Dhamdaha, Purnea.
3. The Circle Officer, B.Kothi, Purnea.
4. Smt. Jyoti Tiwary Wife of Niraj Tiwary Resident of Mohalla Madhubani
Manjhli Chowk, P.S. K. Hat, District Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Harshwardhan Sahay
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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

ORAL ORDER

2 28-06-2019 An order dated 04.07.2018 passed by the Bihar Land
Tribunal in B.L.T. Case No. 301 of 2018 has been put to
challenge in the present proceeding.

The petitioner is purchaser of the land, which is
subject matter of the present case, from one Durga Tiwary,
attorney of Nitya Nand Upadhyay, whereas respondent No.4 has
purchased the land from the attorney of Shobha Nand
Upadhyay. Nitya Nand Upadhyay and Shobha Nand Upadhyay
are full brothers. A mutation petition filed by the petitioner was
rejected by the Circle Officer on the ground that there was a
partition suit pending among the sons of Sharda Prasad
Upadhyay, father of Nitya Nand Upadhyay and Shobha Nand



Upadhyay. The appellate authority had, however, allowed the prayer for mutation, which was set aside by the revisional authority. It is evident that the revisional authority, while setting aside the order of the appellate authority, had recorded that the prayer for mutation shall abide by the decision in the pending partition suit. The Tribunal has refused to interfere with the said order of the revisional authority by the impugned order.

I do not find any legal infirmity in the order of the Tribunal impugned, particularly in the light of the provisions under Section 6(12) of the Bihar Land Mutation Act, 2011, which specifically states that mutation of a holding or a part thereof shall not be allowed in cases in which title suit with regard to that holding or a part thereof is pending in competent Court.

This writ application is accordingly dismissed, but with the observation that the prayer for mutation of the petitioner shall abide by the decision in the partition suit.

(Chakradhari Sharan Singh, J)

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