

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11652 of 2019

Reena Tiwary Wife of Suman Tiwary Residents of Village- Basudeopur, Post Office and P.S. Barhara Kothi, District- Purnea.

... .. Petitioner

Versus

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

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Harshwardhan Sahay
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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. 300 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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