

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8883 of 2019

1. Karamvir Kumar Son of Arun Kumar Ranvir Resident of Mohalla bahri Begumpur, at Madai, Near Jalla Wale Hanuman Mandir, P.S.-Bypass, P.O. Begumpur, District Patna
2. Amit Kumar Son of Sri Ram Narayan Prasad Resident of Mohalla Hiranand Sah Lane, Khetan Vidhyalaya, P.S. Chowk, P.O. Jhauganj, District Patna
3. Deepak Aggarwal Son of Late Purnamal Aggarwal, Resident of Mohalla kali Sthan, Chowk, Patna City, P.S. Chowk, P.O. Jhauganj, District-Patna
4. Vishwajit Kumar Son of Late Ashok Kumar Resident of Mohalla Chainpur, Patna City, P.O. Bypass, P.O. Begumpur, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna
2. The Collector, Patna
3. The Additional Collector, Patna
4. the Deputy Collector, Land Reforms, Patna City, Patna
5. The Circle Officer, Patna Sadar, Patna
6. The Circle Inspector, Patna Sadar, Patna
7. Ram Lakhan Singh Son of Late Tek Narayan Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
8. Ram Ekabal Singh Son of Late Tek Narayan Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
9. Ram Bilash Singh Son of Late Tek Narayan Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
10. Pramod Kumar Singh S/o Late Motilal Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
11. Rajbali Singh @ Sudarshan Singh Son of Late Chhedi Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
12. Prithvi Singh Son of Late Chhedi Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
13. Ramashish Singh Son of Late Chhedi Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna
14. Binod Kumar Singh Late Motilal Singh Resident of Village-Marchi, P.O. Begampur, P.S. Chowk Kala, District-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sarvendra Kumar Verma Mr. Jai Vardhan Narayan Mr. Chandan Kumar
For the State	:	Mr. Rishi Raj Sinha (SC-19) Mr. Birendra Pd. Singh, AC to SC 19



CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 07-05-2019 Heard learned counsel for the parties.

An order dated 27.03.2019, passed by the Bihar Land Tribunal (for short 'the Tribunal') in B.L.T. Case No. 1456 of 2015 is under challenge, whereby an order, passed by the Additional Collector in Mutation Revision Case No. 21 of 1996-97 dated 15.03.2010 has been set aside. The impugned order is against respondent nos. 7, 8 and 9.

The petitioners claim that they are purchasers of the land, subject-matter of the mutation proceeding from the said respondent nos. 7,8 and 9. The petitioners were admittedly not parties in the proceeding before the Tribunal, which was instituted in the year 2015. It is also evident that the said B.L.T. Case No. 1456 of 2015 was registered on transfer of a writ application before this Court, registered as CWJC No. 19796 of 2010. The petitioners claim that they purchased the land through a registered sale deed from the said respondent nos. 7 to 9 in 2018.

Learned counsel, appearing on behalf of the petitioners, has submitted, relying on a Division Bench



decision of this Court in the case of **Maheshwar Mandal and others Vs. The State of Bihar and others**, reported in **2018(3) PLJR 1007**, that the disputed questions of title could not have been gone into in a proceeding before the Tribunal. In my opinion, the said decision does not have any application in the facts and circumstances of the present case. The case of **Maheshwar Mandal** (supra) deals with the provisions of the Bihar Land Disputes Resolution Act, 2009. The stand taken on behalf of the petitioners that they ought to have been impleaded as party respondents in the proceeding before the Tribunal cannot be accepted, as they are the purchasers from the respondents before the Tribunal and no step was even taken for their impleadment.

However, it goes without saying that complex issues of title can be adjudicated upon by a civil court of competent jurisdiction.

The petitioners or any other person having interest in the land, in question, shall be at liberty to file a suit before the civil court of competent jurisdiction for declaration of his right, title and interest.

It is indicated that the finding recorded in the



present proceeding, shall not prejudice the case of the parties before the court, if any suit is filed.

The application stands disposed of, without interfering with the impugned order, with the observation as above.

(Chakradhari Sharan Singh, J)

HR/-

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