

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12844 of 2019

1. Jitendra Kumar Jaiswal S/o Sri Raghunath Prasad Resident of Mohalla-Bangali Tola, Ward No.25, Town-Samastipur, P.S. Samastipur Town, Dist.-Samastipur
2. Raghunath Prasad, S/o Late Fakir Chand Lal, Resident of Mohalla-Bangali Tola, Ward No.25, Town-Samastipur, P.S. Samastipur Town, Dist.-Samastipur
... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna
2. The Additional Collector, Samastipur
3. The D.C.L.R., Samastipur
4. The Circle Officer, Samastipur
5. Rahul Preasad Narayan Singh S/o Late Traumbakeshwar Prasad Singh R/o Village-Brisingpur, P.S. Kalyanpur, Dist.-Samastipur-848160
6. Ashish Prasad Singh S/o Late Traumbakeshwar Prasad Singh R/o Village-Brisingpur, P.S. and P.O.- Kalyanpur, Dist.-Samastipur-848160
7. Meena Sinha W/o Late Traumbakeshwar Prasad Singh R/o Village-Brisingpur, P.S. and P.S. Kalyanpur, Dist.-Samastipur, presently residing at B/2, Maharani Bagh, New Delhi-110065
8. Sanghmitra Sharma D/o Late Rajeshwar Prasad Narayan Sinha R/o Village-Brisingpur, P.S. and P.S. Kalyanpur, Dist.-Samastipur, presently residing at House No.18, Ishwar Nagar, Mathura Road, New Delhi-110065

... .. Respondents

Appearance :

For the Petitioner : Mr. Nikhil Kumar Agrawal
Ms. Aditi Hansaria
Ms. Deepika Sharma
For the Respondent State: Mr. Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-07-2019 An order of the learned Member (Administrative),

Bihar Land Tribunal, Patna, dated 08.03.2019, passed in B.L.T.

Case No. 834 of 2017, 835 of 2017 and 837 of 2017 is under

challenge.

The proceeding before the Bihar Land Tribunal arose



out of a proceeding under the Bihar Land Mutation Act, 2011. Taking note of Section 6(12) of the Act, learned Member has held that no mutation of holding or part thereof can be allowed in cases in which title suit with respect to that holding or a part thereof is pending in the competent Court.

The petitioners claim their title over the disputed property on the basis of a sale deed executed by respondent No.8. This is also an admitted fact that after execution of sale-deed, respondent No.8 herself has filed a Title Suit No. 310 of 2015 seeking partition. The vendor of the petitioners, thus, has claimed her title over the disputed property on the basis of her share in a joint family property, which is yet to be partitioned. Whether the petitioners' vendor had a definite title or not over the dispute property is a question, which is yet under adjudication.

Learned counsel appearing on behalf of the petitioners has attempted to convince this Court that mere pendency of a title suit should not be a complete bar on proceedings under the Mutation Act.

In my view, the language of sub-Section (12) of Section 6 of the Act is unambiguous and states that mutation of a holding shall not be allowed, where title suit in regard to the



holding is pending in the competent Court. I do not find any
illegality in the impugned order.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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