

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12488 of 2019

1. Pratap Choudhary @ Pratap Yadav Son of Late Nand Kumar Choudhary @ Nand Kumar Yadav R/o Village-Arnar, P.S.-Uchakagaon, District-Gopalganj, at present residing at Village-Badheya Tola, Barauli, P.S.-Mirganj, District-Gopalganj
2. Suresh Choudhary @ Suresh Yadav Son of Late Nand Kumar Choudhary @ Nand Kumar Yadav R/o Village-Arnar, P.S.-Uchakagaon, District-Gopalganj, at present residing at Village-Badheya Tola, Barauli, P.S.-Mirganj, District-Gopalganj
3. Gyan Choudhary @ Gyan Yadav Son of Late Nand Kumar Choudhary @ Nand Kumar Yadav R/o Village-Arnar, P.S.-Uchakagaon, District-Gopalganj, at present residing at Village-Badheya Tola, Barauli, P.S.-Mirganj, District-Gopalganj
4. Kanhaiya Choudhary @ Kanhaiya Yadav S/o Late Nand Kumar Choudhary @ Nand Kumar Yadav R/o Village-Arnar, P.S.-Uchakagaon, District-Gopalganj, at present residing at Village-Badheya Tola, Barauli, P.S.-Mirganj, District-Gopalganj

... .. Petitioners

Versus

1. The State of Bihar through the Collector, Gopalganj, District-Gopalganj
2. The Collector Gopalganj, District-Gopalganj
3. The Additional Collector Gopalganj, District-Gopalganj
4. The Deputy Collector Land Reforms, Hathua, District-Gopalganj
5. The Circle Officer Hathua, District-Gopalganj
6. Ramashankar Yadav S/o Late Surendra Yadav R/o Village-Batheya Tola, Barauli, P.S.-Mirganj, District-Gopalganj
7. Jagdish Choudhary S/o Late Chandradeo Prasad Yadav R/o Village-Batheya Tola, Barauli, P.S.-Mirganj, District-Gopalganj

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Suresh Prasad Bhakta
For the Respondent	:	Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 25-07-2019 An order, dated 11.04.2019, passed by the learned

Member(Administrative), Bihar Land Tribunal, Patna, in B.L.T.

Case No. 780 of 2016, is under challenge in the present writ



application. By the said order, the Tribunal has set aside an order, dated 14.06.2016, passed by the Additional Collector, Gopalganj, in Mutation Revision Case No. 22 of 2013/20 of 2013-14.

This is to be noted that a mutation case was filed before the Circle Officer in respect of the disputed land by the petitioners/predessors-in-interest on the ground of having acquired title over the land by way of succession, which was allowed. The case of the petitioners before the Circle Officer was that the land in question was self-acquired property of their ancestor Digambar Ahir. The said order of the Circle Officer was challenged before the Deputy Collector Land Reforms on various grounds questioning the very title of the petitioners. The Deputy Collector Land Reforms allowed the appeal in favour of the contesting respondents. The said order of the Deputy Collector Land Reforms was challenged by the petitioners before the Collector by filing revision application, which came to be finally disposed of by the Additional Collector allowing the revision application in favour of these petitioners vide order dated 14.06.2016, which became subject matter of challenge before the Tribunal, leading to passing of the order, which is impugned in the present writ application.



Learned counsel appearing on behalf of the petitioners has submitted that the Circle Officer, Hathua, had correctly allowed the mutation application on the basis of gift deed in respect of the part of the self-acquired/purchased land of Digambar Ahir, by Fuleshwar Yadav in favour of the petitioners.

From the findings recorded by the Tribunal, it appears that the Circle Officer was not found to have done any spot verification and had allowed the mutation application on 22.07.1997 without verifying as to whether the petitioners were in possession over the disputed land or not. Learned Member has also recorded that no notice was ever served on the legal heirs of the jamabandi raiyats.

Mr. Suresh Prasad Bhakta, learned counsel appearing on behalf of the petitioners, has attempted to convince this Court that the findings so recorded by the Tribunal deserves interference, which are contrary to record. However, I do not find any material to accept the submission on behalf of the petitioners. The dispute of the nature, which apparently involves questions of title and dispute in respect of possession also, could not be adjudicated upon in a mutation proceeding. The Tribunal has given the petitioners liberty to approach the competent Court of civil jurisdiction.



This application is, thus, dismissed as no legal infirmity is found in the impugned order. The petitioners shall be at liberty to avail their remedy by way of filing suit.

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

