

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14089 of 2019

Vinay Paswan, S/o Late Jagdev Paswan, R/o Village- Sahasmal, Ward No. 17,
P.S.- Tarabari, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Araria, Government of Bihar.
2. The Additional Collector, Araria.
3. The Deputy Collector Land reforms, Araria, District- Araria.
4. The Circle Officer, Araria, District Araria.
5. Shankar Paswan, Late Gulabchand Paswan, Village- Sahasmal, Ward No. 17, P.S.- Tarabari, District- Araria.
6. Shashikant Paswan, Late Gulabchand Paswan, Village- Sahasmal, Ward No. 17, P.S.- Tarabari, District- Araria.
7. Neero Devi, W/o Prithvi Paswan, R/o Village- Gaiyari, P.S.- Araria, District- Araria.
8. Kunjo Devi, W/o Yogendra Paswan, R/o Village- Gaiyari, P.S.- Araria, District- Araria.

... .. Respondents

Appearance :

For the Petitioner : Mr.Kundan Kumar Singh
For the Respondent State: Mr.Birendra Pd. Singh,AC to SC-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 24-07-2019 This writ application has been filed seeking quashing of the order, dated 15.02.2019, passed by the learned Member (Administrative), Bihar Land Tribunal, Patna, whereby he has set aside an order passed by the Additional Collector, Araria, in Mutation Revision Case No. 20 of 2012-13/18 of 2013-14. By the said revisional order, dated 25.02.2016, the Additional Collector had quashed an order, passed in Mutation Appeal Case No. 11 of 2009-10/05 of 2012, by the Deputy Collector Land Reforms, Araria, on 19.08.2008. The Mutation case was filed by



respondents no. 5 to 8.

It is the case of the said respondents that their father had purchased the land, in dispute, through a registered sale deed dated 20.12.2004, whereafter he came in possession and after his death, the said respondents and other legal heirs of the purchaser came in possession over the land.

It had also been the case of the said respondents that the lands were recorded in R.S. khata in the name of one Jaliluddin and a suit was filed, giving rise to Title Suit No. 238 of 1985, against the said Jaliluddin for passing a decree of permanent injunction, which was decreed in favour of the plaintiff Hazi Mir Naimuddin, based on a compromise petition. A Misc. Case was thereafter filed for setting aside the decree, which was dismissed. The revision application too was dismissed. Thereafter, the said Hazi Mir Naimuddin had executed a registered sale deed in favour of father of the said respondents on 20.12.2004 and, thus, they having become valid purchaser of the land, in dispute, acquired valid title and possession. They had, thereafter, filed an application for mutation before the Circle Officer, which was allowed and accordingly name of father of the respondents was mutated.

The petitioner, aggrieved by the order of the Circle



Officer, allowing the application for mutation, filed an appeal before the Deputy Collector Land Reforms, Araria, asserting that he had purchased the land by two registered sale deeds in the year 1992 from Jaliluddin. The appeal of the petitioner was dismissed by the Deputy Collector Land Reforms. A revision application was thereafter filed, which was allowed by the Additional Collector by an order dated 25.02.2016, which became the subject matter of challenge before the Tribunal, leading to passing of the impugned order.

From the impugned order, it transpires that learned Member (Administrative) of the Tribunal, upon examining the materials on record, came to a conclusion that it was not clear from the sale deed, relied on by the petitioner, as to how much land he had purchased as the very description of the land was not given in the sale deed, executed in favour of the petitioners. Learned Member (Administrative) of the Tribunal has also referred to a finding, recorded by the Deputy Collector Land Reforms, that there was nothing on record to suggest that the petitioner was in possession over the land in question. Keeping in view the aforesaid facts, the revision application, filed on behalf of respondent No. 5, has been allowed.

There is nothing in the pleadings on record to suggest



that the findings, recorded by the learned Member (Administrative) of the Tribunal, to the above effect, are factually incorrect.

In such circumstance, I do not find any reason to interfere with the impugned order of the Tribunal. In any view of the matter, considering the nature of dispute between the parties, which involves questions of title and possession, the parties are free to approach a competent Court of civil jurisdiction by filing a suit. Findings, recorded by the Tribunal in the impugned order, shall not prejudice the case of either of the parties, if any suit is filed seeking declaration on the question of title and possession.

This application is dismissed, but with the aforesaid observations.

(Chakradhari Sharan Singh, J)

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