

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15038 of 2019

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Sant Lal Pandit S/o Sheobaran Pandit Resident of Village Nadipar,
Hasanpura, P.S. Beur, Dist.Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Land Reform
2. The Bihar Land Tribunal, Patna
3. The Additional Collector, Patna Sadar, Patna
4. The Land Reforms Deputy Collector, Patna Sadar, Patna
5. The Circle Officer, Phulwarisharif Block, Dist.Patna
6. Jay Narayan @ Jay Narayan Rai S/o Late Nawal Kishore Rai Resident of
Village Nadipur, Hasanpura, P.S. Beur, Dist.Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate
For the Respondent/s : Ms. Sulekha Kumari, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 Heard learned counsel for the parties.

2. The present application has been filed challenging the order dated 16.04.2018, passed by the learned Chairman, Bihar Land Tribunal, Patna in BLT Case No. 315 of 2017. By the said impugned order, learned Chairman has upheld the order of the Revisional Authority in Mutation Revision Case No. 05/2016-17 whereby he had set aside an order passed by the Deputy Collector Land Reforms affirming the order of the Circle Officer of mutation in favour of the petitioner.

3. The facts, over which there was no dispute, have



been taken note of in the impugned order, from which it transpires that respondent no. 6 had claimed to have purchased land ad-measuring 82 decimals of plot no. 514 through a registered sale deed dated 28.05.1947 along with other lands. Petitioner claimed to have acquired title over a part of the said land by succession/inheritance from his maternal uncle Chaturi Pandit which he had received by *Bhoodan*. He had applied for mutation on that basis giving rise to Mutation Case No. 1583/4 of 2008-09. A mutation appeal was filed by respondent no. 6 giving rise to Mutation Appeal No. 22/2015-16, which was dismissed by the Deputy Collector Land Reforms by order dated 20.04.2016 and he accordingly directed cancellation of mutation in the name of respondent no. 6 and for maintaining the mutation in the name of the petitioner over the land in question.

4. The Additional Collector, Patna, however, reversed the order of the Deputy Collector Land Reforms after recording his finding that the petitioner had failed to establish a case for mutation of his name and he accordingly directed for cancellation of *jamabandi* created in the name of the petitioner in the light of the order of the Deputy Collector Land Reforms. It transpires from the impugned order and pleadings on record that the petitioner claimed his title over the land in question ad-



measuring 9 decimals of plot no. 514 on the ground that he had received the said land by way of succession consequent upon death of his maternal uncle who had received the land in *Bhoodan*. It also transpires that claim of the petitioner that his maternal uncle Chaturi Pandit had received the land in question by way of donation in 1947 was not accepted by the Revisional Authority on the ground, *inter alia*, that Bihar Bhoodan Yagna Committee Act came into force in 1954 and there was no such provision in the year 1947 when the petitioner's maternal uncle received the land under the said Act, as claimed by the petitioner.

5. In my view, considering the contradiction in the stand of the petitioner and the materials on record, in the background of the sale deed which covered 82 decimals of plot no. 514 executed in favour of respondent no. 6, learned Chairman of the Tribunal has rightly held that the reasons assigned by the Revisional Authority for quashing the orders passed by the Deputy Collector Land Reforms and the Circle Officer were cogent, requiring no interference by the Tribunal.

6. The order passed by the Tribunal is apparently well reasoned taking into account the material facts. In my view, no case for interference is made out under Article 226 of the



Constitution with the impugned order passed by the learned
Chairman, Bihar Land Tribunal. This application is accordingly
dismissed.

(Chakradhari Sharan Singh, J)

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