

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16066 of 2019

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Upendra Prasad Yadav Son of Laxmi Yadav Resident of Village-Samda, P.S.-
Ratanpura, Anchal-Basantpur, District-Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Reforms Department,
Government of Bihar, Patna
2. The Collector Supaul
3. The Deputy Collector Land Reforms, Birpur (Supaul)
4. The Circle Officer Basantpur (Supaul)
5. Raushan Kumar Mishra, Son of Sushil Chandra Mishra, Resident of Village-
Balua Bazar, P.S. Balua Bazar, Anchal Basantpur, District-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Abhay Kr. Kashyap, AC to GP-18

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 07-08-2019 Heard learned counsel for the parties.

Petitioner has put to challenge the order dated
14.03.2019, passed by the learned Chairman, Bihar Land
Tribunal, Patna in BLT Case No. 594 of 2018 whereby he has
dismissed an application preferred by the petitioner against an
order dated 05.03.2017, passed by the Collector, Supaul in
Mutation Case No. 17 of 2014.

The petitioner claims that he had purchased a piece
of land admeasuring 2.51 acres from his vendor Sudhir
Kumar Mishra in whose name *Jamabandi* was also standing.



He had applied for mutation after purchase of the said land which was allowed by the Circle Officer. It appears that respondent no. 5 questioned the title of the petitioner's vendor to execute the sale deed in his favour mainly on the ground that his vendor did not have exclusive title and possession over the said land. Respondent no. 5, based on a *Panchnama Batwara* between the cosharers, claims that the vended land did not fall in the share of the petitioner's vendor.

This is not disputed that respondent no. 5 is the first cousin of the petitioner's vendor. Learned Tribunal has taken note of the observation made by the Collector in his order dated 05.03.2017 that the petitioner's vendor Sudhir Kumar Mishra had applied for mutation on the basis of *Panchnama Batwara* but the land in question was not included in his application.

After having appreciated the nature of dispute between the parties, learned Tribunal while dismissing the application has observed that the petitioner shall have liberty to get his right, title and interest over the land in question declared by a competent court of civil jurisdiction in accordance with law. It has further been observed that claim of mutation of the petitioner over the land in question shall



abide by the final judgment and decree passed by the civil court.

On perusal of the pleadings on record and the materials disclosed in the impugned order, it can be easily noticed that the dispute involves question of title of petitioner's vendor over the vended land.

Learned counsel appearing on behalf of the petitioner has attempted to convince this Court that since *Jamabandi* was standing in the name of the petitioner's vendor, no question of title can be said to be involved. He has further submitted that, in any case, the Tribunal ought not to have directed the petitioner to file a suit for declaration of title.

Both the submissions are not acceptable to this Court, as there is no direction by the Tribunal to the petitioner to approach the civil court for adjudication of the title. It has been made open for the petitioner to get the dispute decided by a civil court of competent jurisdiction since the dispute related to title in respect of the land in question.

I do not find any legal infirmity in the impugned order. It is well settled that if the dispute involves question of title, authorities competent to mutate should keep their hands off.



In view of the above, finding no merit in the application, this application is dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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